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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91167207
Party	Plaintiff MS. ANITA DHALIWAL
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Submission	Motion for Summary Judgment
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Date	03/27/2009
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ANITA DHALIWAL, an Individual	)	Opposition No. 91167207
	)	Re: DVD WORLD
	)	Serial No.: 78495856
Opposer,	)	
	)	<b>OPPOSER'S MOTION FOR</b>
v.	)	<b>SUMMARY JUDGMENT</b>
	)	
	)	
DVD WORLD PICTURES CORP.	)	
	)	
Applicant.	)	
	)	

March 27, 2009

Opposer is the owner of the domain name [www.dvdworld.com](http://www.dvdworld.com) (“dvdworld.com or “Domain”). Opposer purchased the domain name at an Internet domain name auction site on

or about December 2, 2004 with the intent of using the domain name to sell DVDs, or, in the alternative, to resell the domain name to others. *See* Declaration of Dave Lahoti (“Lahoti Decl.”) at ¶¶2-3. Opposer purchased the domain name for \$20,010 at the auction. *Id.* At the time of Opposer’s purchase of the Domain Name, Applicant did not have a U.S. Registration for DVD WORLD. *See* Printout of Registration No. 2,912,970, *attached as Exhibit 1* to Declaration of R. Joseph Trojan (“Trojan Declaration”).

Applicant claims to sell DVDs on-line through the website [www.dvdworldonline.com](http://www.dvdworldonline.com). *See* Applicant’s Responses to Opposer’s First Request for Admissions, Answer to Request No. 9., *attached as Exhibit 22* to Trojan Declaration. On October 6, 2004, Applicant filed a federal trademark application for the word mark DVD WORLD, claiming a first date of use in commerce of November 19, 1998 for Online Retail store services and distributorships of DVD movies in International Class 35 and Motion Picture Production and Distribution in International Class 41. *See Exhibit 1* to Trojan Declaration. Applicant holds a federal trademark registration for the composite mark DVD WORLD (“composite mark”), with a registration date of December 21, 2004. Both marks have the same scope of goods and the same dates of first use and first use in commerce.

**A. Lack of Use--Ownership**

On or about December 22, 2004, Opposer received an email from John Clark of the “Legal Dept” of “The DVD World Company”, with a return email address of “legal@dvdworldcompany.com”. *See* 12/22/2004 Email from The DVD World Company, *attached as Exhibit 1* to Lahoti Decl. Applicant’s name is DVD World Pictures Corp. *See Exhibit 22* to Trojan Declaration at ¶ 4. The DVD World Company claimed ownership of the domain name [www.dvdworldonline.com](http://www.dvdworldonline.com) and alleged ownership and exclusive association of

the DVD WORLD mark in connection with the online retail sales of DVDs. *Id.* The email falsely alleged trademark infringement against Opposer for the mere registration of an inactive domain name and—astoundingly--demanded transfer of the domain name to The DVD World Company. *Id.* The email did not mention Applicant in any context.

The DVD World Company on its website at [www.dvdworldcompany.com](http://www.dvdworldcompany.com) has admitted that Applicant does not engage in the online retail sale of DVDS but is merely a “division” of The DVD World Company whose “sole purpose is to bring Major Motion Pictures worldwide under the DVD WORLD Pictures banner.” *See* Printout of the website at [www.dvdworldcompany.com](http://www.dvdworldcompany.com) on January 5, 2005, *attached as Exhibit 2* to Lahoti Decl.

Although Applicant claims to sell DVDs on the website [www.dvdworldonline.com](http://www.dvdworldonline.com), Applicant does not own the domain name [dvdworldonline.com](http://dvdworldonline.com). *See Exhibit 10* to Trojan Decl. Further, although Applicant claims to have used the DVD WORLD mark as early as 1997, Applicant did not exist at that time, as is evidenced by the fact that its first filing with the New York State Secretary of State was on January 24, 2003. *See Exhibit 21* to Trojan Decl. The DVD World Company website also admits that Applicant was founded in February 2003. *See Exhibit 2* to Lahoti Decl. To date, Applicant has failed to file any papers with the PTO claiming use(s) of the Mark by a prior entity.

**B. Lack of Use—Failure to Use as Trademark**

The DVD World Company admits that in 1997 an entity called The DVD World Company was using DVD WORLD only as a “DVD information site”. *See Exhibit 2* to Lahoti Decl.

In 1999, the DVD World Company specifically disavowed any rights in the mark DVD WORLD, stating that the company name was changed from “DVD WORLD” to the



“DVD WORLD COMPANY” in 1999 for the specific purpose of avoiding confusion with other entities. *See* Exhibit 2 to Lahoti Decl. Since that time, the [www.dvdworldonline.com](http://www.dvdworldonline.com) website DVD sale page has been called DVD WORLD ONLINE and DVD DESTINATION. *See* Archived webpages of [www.dvdworldonline.com](http://www.dvdworldonline.com) on October 17, 2000, September 26, 2001, November 21, 2002, and January 30, 2003, *attached as* Exhibits 4-7 to Trojan Decl. The website refers to itself as DVD WORLD ONLINE or THE DVD WORLD COMPANY or DVD DESTINATION in its banner, title, FAQs, Contacts, and other sections. *Id.* From 2003 to the date of this filing, the website has consistently used and referred to itself as DVD DESTINATION in all sections of the website [www.dvdworldonline.com](http://www.dvdworldonline.com), and not DVD WORLD. *Id.* The DVD World Company admits that “DVD DESTINATION” is the only division engaged in retail DVD sales. *See* Exhibit 2 to Lahoti Decl. DVD World Online currently conducts business under the name ‘DVD DESTINATION’. *See* Printout from [www.dvddestination.com](http://www.dvddestination.com) website, *attached as* **Exhibit 20** to Trojan Declaration.

***B. Lack of Use—Failure to Use Mark for Motion Picture Production and Distribution in Interstate Commerce***

Applicant claims that it has used DVD WORLD for motion picture production and distribution in interstate commerce since November 11, 1998. As stated above, Applicant did not exist until 2003. *See* Exhibit 21 to Trojan Decl., Exhibit 2 to Lahoti Decl. As of July 2006, Applicant has also admitted that Applicant has yet to use the mark in commerce, only stating that motion pictures “will be produced” and “will be released”. *See* Exhibit 16 to Trojan Decl. In its discovery responses, Applicant has only claimed several home videos as

proof of motion picture production and distribution, all within a single high school in New York state--Centerreach High School.

**C. Misuse of ® Symbol**

The ® symbol has been improperly used in conjunction with the word mark DVD WORLD as follows: DVD WORLD® ONLINE, DVD WORLD® Pictures Corp., DVD WORLD ® Distribution, DVD WORLD ® Computers, DVD WORLD ® WebCreations, and DVD WORLD ® Fundraising. *See* Exhibit 2 to Lahoti Decl.

**D. Nonexclusivity**

There are at least 206 separate domain names using DVD WORLD in the second level domain. *See* Exhibit 9 to Lahoti Decl. Many entities use DVD WORLD as a trademark for the online retail sales of DVDs. *See, e.g.,* [www.dvdworldnews.com](http://www.dvdworldnews.com), [www.thedvdworld.com](http://www.thedvdworld.com), [www.musicdvdworld.com](http://www.musicdvdworld.com), [www.sony-asia.com/dvdworld/sonydvdworld.html](http://www.sony-asia.com/dvdworld/sonydvdworld.html). Applicant and The DVD World Company were aware of other sites called DVD WORLD using the mark DVD WORLD in interstate commerce for retail DVD sales at least as early as 2000, but failed to file such statement with the PTO. *See* Printout of the website at [www.dvdworldcompany.com/DVDWorldOnline/history.html](http://www.dvdworldcompany.com/DVDWorldOnline/history.html) on January 5, 2005, *attached as* Exhibit 3 to Lahoti Decl. Although The DVD World Company has not used DVD WORLD as a source identifier since 2001, at least two other entities have continuously used DVD WORLD as a trademark in connection with online retail sales of DVDs. *See, e.g.,* Printouts of webpages at [www.dvdworld.co.uk](http://www.dvdworld.co.uk) from January and April 2001, *attached as* Exhibit 8 to Trojan Decl., Printouts of webpages at [www.dvdworldusa.com](http://www.dvdworldusa.com) on February 1, 2001., *attached as* Exhibit 9 to Trojan Decl. Internet searches for “dvd world” and “dvdworld” yield 525

million and 152,000 results respectively. *See* Google search results, *attached as* Exhibit 17 and 18 to Trojan Decl.

## II. LEGAL STANDARD

Fed. R. Civ. P. Rule 56(c) authorizes the Court to enter summary judgment where “there is no genuine issue as to any material fact and ... the moving party is entitled to a judgment as a matter of law.” The Supreme Court strongly favors summary judgment as an efficient means for resolving issues. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). Proceedings before the Trademark Trial and Appeal Board ("Board") are governed by the Federal Rules of Civil Procedure, and the Board may grant summary judgment when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *National Cable Television Ass'n, Inc. v. American Cinema Editors, Inc.*, 937 F.2d 1572, 1576 (Fed. Cir. 1991).

## III. ARGUMENT

A trademark is a source-identifier. Summary judgment is proper on several independent grounds and Applicant should be denied registration of the mark DVD WORLD because Applicant is improperly attempting to gain benefits for a mark it has failed to use as a trademark. As Applicant has failed to use DVD WORLD as a source identifier for its claimed services, summary judgment is proper in favor of Opposer. In addition, Applicant has deliberately misused the ® notice in violation of federal law.

### ***B. Misrepresentation Before the PTO***

Registration is improper where the applicant or registrant "knew" or "should have known" the statements made before the PTO were not true. *See, e.g., Medinol v Neuro Vaxx*,

*Inc*, 67 USPQ2d 1205 (TTAB 2003); *Nougat London Ltd v Carole Garber*, Cancellation No 92040460 (TTAB 2003); *Hawaiian Moon, Inc v Rodney Doo*, Cancellation No 92042101 (TTAB 2004); *Orion Electric Co, Ltd v Orion Electric Co, Ltd*, Opposition No 91121807 (TTAB 2004); *Jimlar Corp v Montrexpert SPA*, Cancellation No 92032471 (TTAB 2004); *JEM International, Inc v Happy Rompers Creations Corp*, Cancellation No 92043073 (TTAB 2005); *Physician's Formula Cosmetics, Inc v Cosmed, Inc*, Cancellation No 92040782 (TTAB 2005).

Again, the appropriate inquiry is not into the registrant's subjective intent, but rather into the objective manifestation of that intent; the test is not whether the applicant or registrant had an intent to defraud but whether the applicant or registrant "knew" or "should have known" the statements were not true.

**1. Applicant Does Not Have Exclusive Rights In Mark and Knew So at Time of Application**

Applicant should be denied registration because the DVD WORLD mark is not distinctive; there are numerous other entities using the DVD WORLD mark and the mark lacks distinctiveness. There are at least 206 other domain names using DVD WORLD. *See* Exhibit 5 to Lahoti Decl. Many of these entities use the domain names in interstate commerce for the retail sale of DVDs. *See, e.g.,* [www.dvdworldnews.com](http://www.dvdworldnews.com), [www.sony-asia.com/dvdworld/sonydvdworld.html](http://www.sony-asia.com/dvdworld/sonydvdworld.html), [www.thedvdworld.com](http://www.thedvdworld.com), [www.musicdvdworld.com](http://www.musicdvdworld.com).

In fact, The DVD World Company was aware that others were using the mark DVD WORLD in commerce in connection with retail sales of DVDs, yet failed to state as same on its application in contravention of 15 U.S.C. §1051(a)(3)(D). *See* Exhibit 2 to Lahoti

Declaration. The test is not whether the applicant or registrant had an intent to defraud but whether the applicant or registrant "knew" or "should have known" the statements were not true. There is ample precedent finding registration improper where the applicant or registrant "knew" or "should have known" the statements were not true. *See, e.g., Medinol v Neuro Vaxx, Inc.*, 67 USPQ2d 1205 (TTAB 2003); *Nougat London Ltd v Carole Garber*, Cancellation No 92040460 (TTAB 2003); *Hawaiian Moon, Inc v Rodney Doo*, Cancellation No 92042101 (TTAB 2004); *Orion Electric Co, Ltd v Orion Electric Co, Ltd*, Opposition No 91121807 (TTAB 2004); *Jimlar Corp v Montrexpert SPA*, Cancellation No 92032471 (TTAB 2004); *JEM International, Inc v Happy Rompers Creations Corp*, Cancellation No 92043073 (TTAB 2005); *Physician's Formula Cosmetics, Inc v Cosmed, Inc*, Cancellation No 92040782 (TTAB 2005).

In a claim of lack of distinctiveness, the burden of proving secondary meaning is on the applicant. *Yamaha Int'l Corp. v. Hoshinko Gakki Co.*, 840 F. 2d 1572, 6 U.S.P.Q.2d 1001 (Fed. Cir. 1988), *Guess?, Inc. v. Nationwide Time, Inc.*, 16 U.S.P.Q.2d 1804 (TTAB 1990) (opposition sustained to non-inherently distinctive design where applicant had failed to prove the acquisition of secondary meaning and distinctiveness). Because Opposer is asking for freedom to continue its use of DVD WORLD, the distinctiveness of DVD WORLD must be judged as of the time of application by applicant. *De Walt, Inc. v. Magna Power Tool Corp.*, 289 F. 2d 656, 129 U.S.P.Q. 275 (C.C.P.A. 1961). Here, as of October 2004 there were at least two very prominent online retailers of DVDs using the mark DVD WORLD in interstate in a much more prominent way than either Applicant or The DVD World Company. *See* Printouts of websites of [www.dvdworld.co.uk](http://www.dvdworld.co.uk) and [www.dvdworldusa.com](http://www.dvdworldusa.com), attached as Exhibits 8 and 9 to Trojan Decl. As is evidenced by their shipping information, currency

information, and U.S. warehouse location (for [www.dvdworldusa.com](http://www.dvdworldusa.com)), both entities were actively using the mark DVD WORLD in interstate commerce. *Id.*

Accordingly, given the widespread and nonexclusive use of the DVD WORLD as well as The DVD World Company's specific knowledge of that fact, summary judgment is proper and registration should be denied as a matter of law.

**2. Lack of Use as a Mark Prior to Registration**

Not only are there a myriad of other users of DVD WORLD, but Applicant has failed to use the mark as a trademark indicative of source. It is well established that a party's right in a trademark arises only "as a right *appurtenant to an established business or trade* in connection with which the mark is employed." *See, e.g., Buti v. Perosa*, 139 F.3d 98 (2d Cir. 1998), (quoting *United Drug Co. v. Theodore Rectanus Co.*, 248 U.S. 90, 97 (1918)) (*emphasis added*).

First, Applicant does not own the domain name it purports to use for trademark purposes; the domain name [www.dvdworldonline.com](http://www.dvdworldonline.com) belongs to an entity called DVD World Online. *See* WHOIS registration information for [www.dvdworldonline.com](http://www.dvdworldonline.com), attached as Exhibit 10 to Trojan Decl. An allegation that applicant's mark was not properly "used" in "commerce" is a proper ground for opposition to a use-based application. *See, e.g., Community of Roquefort v. Santo*, 443 F. 2d 1196, 170 U.S.P.Q. 205 (C.C.P.A. 1971); *Ft. Howard Paper Co. v. Kimberly-Clark Corp.*, 390 F. 2d 1015, 157 U.S.P.Q. 55 9ccpa 1968), *cert. Denied*, 393 U.S. 831, 159 U.S.P.Q. 799 (1968), *reh'g denied*, 393 us 971 (1968), *superseded by statute as stated in Paramount Pictures Corp. v. White*, 31 U.S.P.Q.2d 1768 (TTAB 1994). For online services, domain name is an indicator of source. *See, e.g.,*

*Brookfield Communications, Inc. v. West Coast Entertainment*, 174 F.3d 1036, 1041 (9th Cir.1999) (Domain names are indicative of origin).

Although an entity called The DVD World Company purports that Applicant is a ‘division’, The DVD World Company does not own [www.dvdworldonline.com](http://www.dvdworldonline.com). See Exhibit 10 to Trojan Decl. The DVD World Company name appears on another, identical website called [www.dvddestination.com](http://www.dvddestination.com). However, that website belongs to DVD World Online as well and not Applicant. See Exhibit 11 to Trojan Decl. Applicant has failed to file any documents with the PTO claiming prior use of the mark by a related entity in violation of §1051(a)(3). Given the various entities using the mark, usage of the DVD WORLD mark can hardly be considered indicative of source. It is well established that if the applicant identified in the application is not the owner of the mark sought to be registered, the applicant may not be amended to substitute a different entity; the application was void *ab initio*, and a new application must be filed on behalf of the true owner. See, e.g., *Celanese Corp. of Am. V. Edwin Cruthcer*, 35 U.S.P.Q. 98 (Comm. Pats. 1937); *Richardson Corp. v. Richardson*, 51 U.S.P.Q. 144 (Comm. Pats. 1941); *Dunleavy v. Koeppel Steel Prods., Inc.* 114 U.S.P.Q. 43 (Comm. Pats. 1957). Accordingly, Applicant is not entitled to registration as a matter of law and summary judgment is proper as a matter of law.

Second, even assuming *arguendo* Applicant can be somehow linked with The DVD World Company’s and/or DVD World Online’s use of the DVD WORLD mark, Applicant still must be denied registration as a matter of law because the DVD WORLD mark has not been used as a trademark. “The Supreme Court explained long ago that “the right to a particular mark grows out of its use, not its mere adoption; its function is simply to designate the goods as the product of a particular trader and to protect his good will against the sale of

another's product as his". *Buti*, 139 F. 3d 98 (quoting *Theodore Rectanus*, 248 U.S. at 97).

Here, Applicant has not used the DVD WORLD mark as a trademark and, accordingly, summary judgment should be granted against Applicant.

Applicant claims usage of DVD WORLD for online retail sales of DVDs via the site [www.dvdworldonline.com](http://www.dvdworldonline.com). See However, the DVD sales site changed its name to DVD WORLD ONLINE in 2002. See Archived webpages of [www.dvdworldonline.com](http://www.dvdworldonline.com) on October 17, 2000, September 26, 2001, November 21, 2002, and January 30, 2003, *attached as* Exhibits 4-7 to Trojan Decl. Between January 30 and February 17, 2003, the name of the online retail store was changed again to DVD DESTINATION. *Id.* Since that time, the websites [www.dvdworldonline.com](http://www.dvdworldonline.com) (and [www.dvddestination.com](http://www.dvddestination.com)) have used DVD DESTINATION and DVD WORLD ONLINE on the websites. *Id.* The mark DVD WORLD only appears as part of a logo on the front page only; once the page for the sale of DVDs is open, there is no mention of DVD WORLD and has been none since 2003. *Id.* The FAQs, Support, and Contact pages--as well as the product viewing pages for DVDs—all refer to DVD DESTINATION after 2003 and there is no mention of DVD WORLD. *Id.* The specimen that Applicant filed with the PTO in October 2004 does not show then entirety of the webpage, which would have clearly shown the title and banner of the site to be DVD DESTINATION. See Exhibit 2 to Trojan Decl.

DVD WORLD cannot be considered to be a source indicator of Applicant in any way since the company name, the domain name, the title on the webpage, and the FAQ/Support pages all state different entities. *Id.* In fact, a consumer attempting to locate Applicant on the Internet with the mark DVD WORLD would not be able to find Applicant; a Google search would not turn up Applicant on the first five (5) pages of a search. See Search results,



attached as Exhibit 17 to Trojan Decl. A Google search for DVDWORLD would only turn up a related entity on the third page at HDDVDWORLD.COM, but would not be identifiable as Applicant in any way because the domain name as well as all descriptions would be of HDDVDWORLD, not DVD WORLD. See Search results, attached as Exhibit 18 to Trojan Decl. Finally, neither Applicant nor DVD World Online has used DVD WORLD as any metatags or key words for its websites so that any searches for DVD WORLD would lead to the source. See WHOIS information for [www.dvdworldonline.com](http://www.dvdworldonline.com) and [www.dvddestination.com](http://www.dvddestination.com), attached as Exhibits 10 and 11 to Trojan Decl. As it is clear that Applicant has made neither effort nor use of DVD WORLD as a source indicator, registration must be denied as a matter of law. 15 U.S.C. §1051(a)(3)(D)(ii).

Given the express disavowal of “DVD WORLD” for “DVD WORLD ONLINE”, the recklessly intermixed usage of DVD WORLD, DVD WORLD ONLINE, DVD DESTINATION, and HDDVDWORLD, and failure of Applicant to use DVD WORLD as any indicator of source, Applicant cannot have been to have used DVD WORLD as a trademark and summary judgment is proper against the registration of DVD WORLD.

**3. Non-Use of Mark in Connection with Claimed Scope of Services**

Applicant averred that it used the mark DVD WORLD in international commerce for motion picture production and distribution as of November 19, 1998. See Exhibit 1 to Trojan Decl. Because Applicant knew or should have known at the time of application that it had not in fact using the mark since that date, registration for International Class 41 should be denied and summary judgment is proper.

There can be no dispute of fact that Applicant had not been using the mark since the date claimed in the application. As established earlier, Applicant did not exist in 1998. See

Exhibit 22 to Trojan Decl. In addition, Applicant's website at [www.dvdworldpictures.com](http://www.dvdworldpictures.com) has stated from the inception of the website that motion pictures will be produced in the future. See Exhibit 16 to Trojan Decl. The mere mention of movies that "will go into production" or "will be released" does not constitute use in commerce. See, e.g., *Paramount Pictures Corp. v. White*, 31 USPQ2d 1768 (TTAB 1994), *aff'd without comment* 108 F.3d 1392 (Fed. Cir. 1997) (mark not registrable for games, where purported games are advertising flyers used to promote applicant's services and have no real utilitarian function or purpose as games).

Finally, the only evidence proffered by Applicant as proof of use is for the offer for sale of recorded videos of high school events at a single high school located in New York State. See Applicant's Response to Interrogatories. Applicant has submitted no evidence of advertising for such services on interstate commerce, because, in fact, it has conducted no advertising. Such use does not constitute use in interstate commerce under the Lanham Act necessary for federal registration.

***C. Misuse of the ® Symbol***

Summary judgment is also proper because Applicant has misused the ® symbol in connection with the unregistered DVD WORLD word mark.

The Lanham Act only allows use of the ® mark in connection with a registered mark. 15 U.S.C. § 1111. Fraudulent misuse of the ® symbol is grounds for opposition. See, e.g., *Wells Fargo & Co. v. Lundeen & Assoc.*, 20 U.S.P.Q.2d 1156 (TTAB 1991) (fraudulent misuse of the registration symbol can defeat an applicant's right to register and is thus a ground for opposition); *Copelands' Enterprises, Inc. v. CNV, Inc.*, 945 F. 2d 1563, 20 U.S.P.Q.2d 1295 (Fed. Cir. 1991) (reversed dismissal on summary judgment of opposition and petition to cancel grounded on fraudulent misuse of the registration symbol).

There is no dispute of material fact as to Applicant's deliberate misuse of the ® symbol. Despite having in-house counsel, The DVD World Company chose to use the ® mark wherever the words DVD WORLD used, regardless of context and of services/goods associated. *See* Exhibit 2 to Lahoti Decl. The mark was not owned by The DVD World Company and the words were not used in trademark sense. *Id.* The DVD World Company had previously disavowed rights in DVD WORLD and had announced its change in name to DVD WORLD ONLINE, and maintains this information in its current website. *See* Exhibit 16 to Trojan Decl. Despite this knowledge in 2000, DVD WORLD was improperly displayed with the ® symbol in violation of federal trademark law. *Id.* Opposer submits that such failure to prevent the negligent misuse of the statutory notice bars Applicant from registration of the DVD WORLD mark. *See Gear, Inc. v. L.A. Gear California, Inc.* 670 F. Supp. 508, 4 U.S.P.Q.2d 1192 (S.D.N.Y. 1987), *vacated, in part, dismissed* 13 U.S.P.Q.2d 1655 (S.D.N.Y. 1989) (misuse of notice on mark not registered for those goods is a ground, along with other evidence, for finding unclean hands in balancing the equities); *Copelands' Enterprises, Inc. v. CNV, Inc.*, 945 F. 2d 1563, 1568 n. 6, 20 U.S.P.Q.2d 1295, n.6 (Fed. Cir. 1991) (the failure to take any steps to end the misuse of the symbol "or to notify the Trademark Office of the past and continuing registration symbol misuse could constitute gross negligence and reckless disregard of the law").

Accordingly, given the deliberate and clear misuse of the ® symbol, Opposer submits that summary judgment is proper and that Applicant's application be denied registration.

## V. CONCLUSION

Applicant has wrongfully attempted to register a mark which it has failed to use as a trademark, a source identifier. In addition, Applicant has misrepresented its usage and non-

usage of the mark before the Patent and Trademark Office. Finally, Applicant has flagrantly disregarded requirements for trademark registration by misusing the ® symbol and by claiming usage for services it did not use in interstate commerce. For the foregoing reasons, Opposer submits that awarding registration of the mark to Applicant is improper as a matter of law and respectfully requests this Board to grant summary judgment in its favor and deny registration of the mark DVD WORLD to Applicant.

Date: March 27, 2009

Respectfully submitted,

/R. Joseph Trojan/

R. Joseph Trojan

Trojan Law Offices

9250 Wilshire Blvd., Suite 325

Beverly Hills, CA 90212

Attorney for Opposer Anita Dhaliwal

**PROOF OF SERVICE**

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On March 27, 2009, I served:

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT;**

**DECLARATION OF DAVE LAHOTI IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT; and**

**DECLARATION OF R. JOSEPH TROJAN IN SUPPORT OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

by transmitting to:

Mr. Edward Papetti  
President  
DVD World Picture Corp.  
63 McGaw Ave.  
Lake Grove, NY 11755  
Fax 631-471-4893

[X] BY FACSIMILE: I caused a copy of such document to be sent via facsimile machine to the office of the addressee(s) at the phone number shown above.

[X] BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown on this proof of service.

[X] FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 27, 2009, at Beverly Hills, California.

\_\_\_\_\_  
/Michiko Speier/

Michiko Speier

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ANITA DHALIWAL, an Individual	)	Opposition No. 91167207
	)	Re: DVD WORLD
	)	Serial No.: 78495856
Opposer,	)	
	)	<b>DECLARATION OF DAVE</b>
v.	)	<b>LAHOTI IN SUPPORT OF</b>
	)	<b>OPPOSER'S MOTION FOR</b>
	)	<b>SUMMARY JUDGMENT</b>
DVD WORLD PICTURES CORP.	)	
	)	
	)	
Applicant.	)	

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this paper is being transmitted to the Trademark Trial and Appeal Board via ESTTA on the date shown below:

Date

\_\_\_\_\_  
/R. Joseph Trojan/  
R. Joseph Trojan

\_\_\_\_\_  
March 27, 2009

**Declaration of Dave Lahoti**

I, Dave Lahoti, declare as follows:

1. I am the brother of Anita Dhaliwal ("Opposer"). I advised her to purchase the domain name [www.dvdworld.com](http://www.dvdworld.com). I have personal knowledge of the facts stated herein. If called upon to do so, I could and would completely testify to the facts in this declaration.

2. In 2004 Opposer and I were looking for a domain name to start a website for the sale of DVDs. On or about November 29, 2004 I learned that the domain name

[www.dvdworld.com](http://www.dvdworld.com) was available for sale from the Internet domain name auction site [www.namewinner.com](http://www.namewinner.com).

3. It was my opinion that [www.dvdworld.com](http://www.dvdworld.com) would be a good name to establish a website concerning DVDs. I advised Opposer to bid for the domain name [www.dvdworld.com](http://www.dvdworld.com) from the internet domain name auction site [www.namewinner.com](http://www.namewinner.com). She authorized me to bid for the domain name for her from the auction site. On or about December 2, 2004, we purchased the domain name [www.dvdworld.com](http://www.dvdworld.com) for \$20,010 with Opposer's credit card.

4. On or about December 22, 2004 I was informed of a letter from DVD World Pictures Corp. Attached as **Exhibit 1** is a true and accurate copy of the email that I received from someone claiming to be John Clark of the "Legal Dept" of DVD World Company. The email claimed DVD World Company was the owner of the registration number 2,912,970 and demanded, among others, that the domain name be transferred to DVD World Company. The email claimed that the DVD World Company had been using the mark DVD WORLD since 1997 to "sell products worldwide on the Internet". The email also claimed that DVD World Company had exclusive rights to the term DVD WORLD.

5. On or about January 5, 2005 I went to the website [www.dvdworldcompany.com](http://www.dvdworldcompany.com). Attached as **Exhibit 2** is a true and accurate copy of the printout of the website at [www.dvdworldcompany.com](http://www.dvdworldcompany.com) on January 5, 2005 showing the ® mark next to a picture of a cd-globe and the words "DVD WORLD" under the picture. The website also uses the ® mark in conjunction with the words "DVD WORLD" as follows: DVD WORLD® ONLINE, DVD WORLD® Pictures Corp., DVD WORLD ®

Distribution, DVD WORLD ® Computers, DVD WORLD ® WebCreations, and DVD WORLD ® Fundraising.

6. The webpage in Exhibit 2 also state that in 1997 an entity called The DVD World Company was using DVD WORLD as a “DVD information site”. In addition, the webpage states that the company name was changed from “DVD WORLD” to the “DVD WORLD COMPANY” in 1999. Further, the website lists various companies as “divisions” of The DVD World Company. The company “DVD DESTINATION” is the only company listed as a DVD retailer. DVD World Pictures Corp. has a description that states “it’s [sic] sole purpose is to bring Major Motion Pictures worldwide under the DVD WORLD Pictures banner.” The website states that DVD World Pictures Corp. was founded in February 2003.

7. On or about January 5, 2005 I also went to the webpage [www.dvdworldcompany.com/DVDWorldOnline/history.html](http://www.dvdworldcompany.com/DVDWorldOnline/history.html) through a link on the [www.dvdworldcompany.com](http://www.dvdworldcompany.com) website. Attached as **Exhibit 3** is a true and accurate copy of the printout of the website at [www.dvdworldcompany.com/DVDWorldOnline/history.html](http://www.dvdworldcompany.com/DVDWorldOnline/history.html) on January 5, 2005. The website states that “DVD WORLD” was not found until November 19, 1998. The website also clearly states that a ‘DVD WORLD’ website was not launched until April 1999 and that first on-line sales were made in April 1999. *Id.* The webpage states that the name ‘DVD WORLD’ was changed to ‘DVD WORLD ONLINE’ in 2000 because of the numerous numbers of other users of DVD WORLD.

8. On January 5, 2005 I visited the [www.dvdworldonline.com](http://www.dvdworldonline.com) website. The website was named DVD DESTINATION. Attached as **Exhibit 4** is a true and accurate



copy of the printout of the website at [www.dvdworldonline.com](http://www.dvdworldonline.com) on January 5, 2005. The banner across the top of the page as well as the title in the center of the page are the words DVD DESTINATION under which are words “Your #1 DVD Source”. The page also shows the ® mark next to the term “DVD WORLD” and shows the ® mark next to a picture of a DVD and the words “DVD WORLD” under the picture. On the printout, the source indicator line provided by the website states in part “DVD Destination: The Premier Online DVD Store”. There is no mention of “DVD WORLD” on this source indicator line.

9. After searching the Internet for commercial sites which used “DVD WORLD” in their names, I learned that there were at least 206 such sites. Attached as **Exhibit 5** is a list of websites that I have found which have “DVD WORLD” as their first level domain names.

10. If Applicant is granted federal registration to the word mark DVD WORLD, I believe we will be damaged in that both our ability to use the domain name [www.dvdworld.com](http://www.dvdworld.com) for a DVD related website and the marketability for the sale of the site will be greatly diminished or eliminated. Opposer and I have been unable to recoup the amount spent on acquisition of the domain name because we have not started using the domain to sell or market DVDs.

Opposition No. 91167207

Re: DVD WORLD

Serial No.: 78495856

I declare under the penalty of perjury under the laws of the State of California that  
the foregoing is true and correct.

DATED: July 17, 2006

/Dave Lahoti/

Dave Lahoti

PROOF OF SERVICE

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On March 27, 2009, I served:

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT;**

**DECLARATION OF DAVE LAHOTI IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT; and**

**DECLARATION OF R. JOSEPH TROJAN IN SUPPORT OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

by transmitting to:

Mr. Edward Papetti  
President  
DVD World Picture Corp.  
63 McGaw Ave.  
Lake Grove, NY 11755  
Fax 631-471-4893

[X] BY FACSIMILE: I caused a copy of such document to be sent via facsimile machine to the office of the addressee(s) at the phone number shown above.

[X] BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown on this proof of service.

[X] FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 27, 2009, at Beverly Hills, California.

/Michiko Speier/

Michiko Speier

# Exhibit 1

The Legal Dept. Of The DVD WORLD Company

The DVD WORLD Company

Legal Dept.

63 McGaw Ave.

Lake Grove, NY 11755

Phone: 516-607-2631

Fax: 631-471-4893

December 22, 2004

VIA Express Mail & E-Mail

DN Manager

PO Box 51662

Irvine, CA 92619-1162

Don200094104@yahoo.com

Re: Notice of Trademark Infringement - DVD World

Domain Name: dvdworld.com

Dear DN Manager:

This letter is to inform you that I represent The DVD World Company ("DVD World") in trademark, copyright, misappropriation and unfair competition matters. DVD World is the owner and operator of several websites, including DVDWorldOnline.Com, and is headquartered in Lake Grove, New York, USA.

The DVD World Company has been doing business under the name "DVD World" ("the Marks") since 1997. Since that time, DVD World has used the

Marks to sell products worldwide on the Internet. The products that are offered for sale include general DVD (audio and audio-visual), VHS recordings, CD-Rom recordings, electronic games, and novelties. Through the investment of substantial resources, DVD World has built up considerable goodwill in its Marks and consumers worldwide have come to associate the Marks exclusively with DVD World.

In addition to DVD World's extensive common-law rights to the Marks, The DVD World Company is the owner of the following United States Registered Trademark:

. "DVD World", Registration No. 2,912,970 on the Principal Register of the United States Patent and Trademark Office

The DVD World Company's Marks and Registered Marks have come to identify the products and services of DVD World and DVD World enjoys valuable goodwill attached to the Marks and Registered Marks. That goodwill is important to The DVD World Company and it is also important that The DVD World Company does not permit a use of the Marks and Registered Marks by others in such a way as to cause a likelihood of confusion as to sponsorship or affiliation with The DVD World Company.

It has come to The DVD World Company's attention that you registered the domain name [www.dvdworld.com](http://www.dvdworld.com) on 11/29/2004. Your use of the Marks and Registered Marks, including registration as a domain name, constitutes trademark infringement and unfair competition practices.

The DVD World Company demands that you cease and desist any further use, offering for sale and/or possession of the domain name [www.dvdworld.com](http://www.dvdworld.com) and any and all other marks or names likely to cause confusion or dilute the distinctive quality of the Marks and Registered Marks (including, but not limited to any form of any Mark or Registered Mark, regardless of capitalization, whether singular or plural, or whether preceded by or followed by other letters, numbers or symbols). This means that you promptly cease any further use, offering for sale or possession of the Marks, Registered Marks and domain name [www.dvdworld.com](http://www.dvdworld.com). Furthermore, this is to request that you transfer immediately the domain name

www.dvdworld.com to The DVD World Company.

This is to also request that you provide me with your written assurance by January 15th, 2005 that you will immediately comply with the terms of this letter, by no longer using, offering for sale and/or exercising possession over the domain name www.dvdworld.com, and transfer the domain name to The DVD World Company. You may indicate your agreement by signing this letter in the space provided below and returning the original signed letter to me. By signing this letter you are also agreeing not to use or register any domain names, trademarks or trade names in the future that include the Marks or Registered Marks or other terms likely to cause confusion or dilute the distinctive quality of the Marks and Registered Marks.

If you fail to immediately comply with all the demands set forth above, The DVD World Company will file a complaint with the WIPO Domain Name Dispute Resolution Service, in accordance with the Uniform Domain Name Dispute Resolution Policy, to have the www.dvdworld.com domain name transferred to The DVD World Company, and pursue all other remedies and seek recovery of all damages to which DVD World is entitled.

All correspondence should be made to:

John Clark  
DVD WORLD Company Legal Dept.  
63 McGaw Ave.  
Lake Grove, NY 11755  
Legal@TheDVDWorldCompany.Com

Your prompt response will be appreciated.

Sincerely,  
John Clark

AGREED:

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Cc: 000Domains.Com



# Exhibit 2



Founded in 1997 by President & CEO Eddie Papetti, The DVD WORLD® Company has become one of the largest online DVD retailers & distributors in the world.

Since its inception in 1997 as a DVD information site as "DVD WORLD®" the company has grown to include several divisions, in many different areas of technology & retail, so in 1999 the name of the company was changed from just "DVD WORLD®" to "The DVD WORLD® Company". Below are the names of all the companies and divisions owned & operated by The DVD WORLD™ Company.

The DVD WORLD® name has grown to be associated with the finest products and services in the world. As The DVD WORLD® Company continues to grow and expand, we look forward to serving your ever increasing needs.

The NEW DVD World® Company site is getting ready to launch later this year, until that time please click on any of the company names below to be brought to that division specific Website.

## **THE DVD WORLD COMPANY**

(Click On Any Of The Divisions Below To See A Detailed Listing Of The Companies In Each Division)

**DVD WORLD® ONLINE**

**DVD WORLD® Pictures Corp.**

**DVD WORLD® Distribution**

**DVD WORLD® Computers**

**DVD WORLD® WebCreations**

**DVD WORLD® FundRaising**

## ***The DVD WORLD Online Family***

DVD WORLD® Online encompasses the online technology & retail divisions of The DVD WORLD® Company

### **DVD Destination**

One Of The Largest Online DVD Retailers In The World.

**DVD Destination Highlights:**

World's Largest IN STOCK DVD Selection

Every DVD At Least 30% Off!

24 Hour Shipping

Huge Selection of D-VHS Titles

### **Game Destination**

Online Retailer of Video Games

**Game Destination Highlights:**

New Games At The Cheapest Prices Anywhere

Games for Xbox, PS2, GameCube & GameBoy Advance

24 Hour Shipping

Uses The New DVD WORLD Shopping Engine Version 7.0

### **The DVD WORLD™ Shopping Engine**

The backbone of all DVD WORLD retail sites

Developed in 1999 by DVD WORLD WebCreations

Latest Release is Version 7.0

### **Music Destination**

Opens in 2005

Online Music Retail Site

Huge Selection of CD, SACD & DVD-Audio Titles at Discount Prices

## ***DVD WORLD Pictures Corp.***

DVD WORLD Pictures is the only corporate division of The DVD WORLD Company. It's sole purpose is to bring Major Motion Pictures worldwide under the DVD WORLD Pictures banner. DVD WORLD Pictures is positioning itself to become in the next major movie studio in the US.

**DVD WORLD Pictures Facts:**

Founded in February 2003

Has the rights to over 71 scripts

First movie went into production in September of 2004 - "The Rape Of America's Youth"

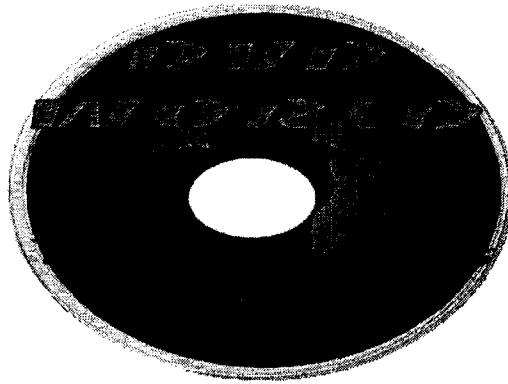
"The Rape Of America's Youth" will release nationwide on October 14th 2005

**DVD WORLD Pictures Website - Launches January 2005**

**The Rape Of America's Youth Official Website - [TheRapeOfAmericasYouth.Com](http://TheRapeOfAmericasYouth.Com)**

The DVD WORLD name & logo are Registered Trademarks of DVD WORLD Pictures Corp., a division of The DVD WORLD Company. Use of the DVD WORLD name/logo are only allowed without permission from The DVD WORLD Company.

# Exhibit 3



# **DVD WORLD ONLINE**

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## **History**

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### **The Past**

**Founded On November 19th 1998, "DVD WORLD" Was Founded By "DVD WORLD Company" President & Founder Eddie Papetti. The Online Site Would Not Be Launched Until April Of 1999.**

**In April Of 1999 The Web Site Was Launched As "DVD WORLD". The Store Sold About 50 Items And Was A Big Success. By The Summer Of 1999 Eddie Papetti Knew That Something Had To Be Changed In Order For The Store To Continue.**

**During The Summer Of 1999 "DVD WORLD" Went Through Major Renovations. The Stock Of The Store Was Greatly Increased, Along With A Complete Re-Design Of The Site From The Ground Up.**

**The Measures Taken In The Summer Of That Year Fixed The Problems That Plagued The Site Earlier And Now The Site Was Finally Starting To See The Sales That Eddie Papetti Had Been Anticipating.**

**The Following Year Would Bring A Name Change To "DVD WORLD", It Would Now Be Called "DVD WORLD ONLINE". This Was Done Due To The Numerous Amounts Of International Stores That Were Saying They Were "DVD WORLD" But Weren't.**

**Sales Continued To Grow Through The Years, And Currently "DVD WORLD ONLINE" Is The 3rd Largest Online DVD Retailer In The World.**

### **THE PRESENT**

**Currently "DVD WORLD ONLINE" Has 2 Warehouses It Uses To Serve It's Customers.**

**"DVD WORLD ONLINE" Is The #1 Online DVD Retailer/Distributor In The World.**

**"DVD WORLD ONLINE" Stands As The 3rd Largest Online DVD Specific Retailer, & Sales Are Increasing Daily.**

**"DVD WORLD ONLINE" Has The Largest IN STOCK DVD Selection In The World. Over 99% Of The Titles Carried Are IN STOCK.**

**"DVD WORLD ONLINE" Has Been Certified As A Top Retailer by Many Companies, Including "Gomez", "PayPal" & "BizRate".**

**"DVD WORLD WebCreations" Is Now In Charge Of Maintaining The Site, Although Eddie Papetti Remains Head Of Operations at "DVD WORLD ONLINE".**

### **THE FUTURE**

**A New 200 Acre "DVD WORLD Complex" Is Planned For 2005 Which Will Become The New Home Of "DVD WORLD ONLINE".**

**"DVD WORLD WebCreations" Is Constantly Developing New State-Of-The-Art Technology To Keep The Site Current With New Internet Technologies. So The Site Is Constantly Changing and Will Continue To Do So.**

**"DVD WORLD ONLINE" Will Be Interconnected With "ExtremeDVD.Net" To Allow For Customers To Have The Most Advanced And Knowledgeable Buying Experience Ever.**

**A Separate Version Of "DVD WORLD ONLINE" Will Be Opened In The Summer of 2003, And Will Feature Different Features Than The Main "DVD WORLD ONLINE" Site. Both Site Will Carry The Same Inventory, They Will Just Have Different Features To Fit The Varying Needs Of Online Customers. For More Information On This New Version Go To The "DVD Destination" Part Of This Site.**

# Exhibit 4

# DVD Destination

YOUR #1 DVD SOURCE!

[Home](#)[DVD](#)[Games](#)[Music](#)[Computers](#)[D-VHS](#)[Fund  
Raising](#)[View  
Order](#)

[Hot New Releases](#) • [Pre-Orders](#) • [View Order](#) • [Wish List](#) • [Order Status](#) • [Check Out](#)

Search



Advanced Search



## DVD DESTINATION

### YOUR #1 SOURCE FOR DVD MOVIES!

Save 40% On "Garden State", "Dodgeball", "I, Robot", "The Day Af

- › [Action/Adventure](#)
- › [Anime](#)
- › [Bargain DVD's](#)
- › [Box Sets](#)
- › [Classics](#)
- › [Comedy](#)
- › [Cult Classics](#)
- › [Documentary](#)
- › [Drama](#)
- › [DTS](#)
- › [Family](#)
- › [Foreign](#)
- › [Gay/Lesbian](#)
- › [Horror](#)
- › [Late Night](#)
- › [Musicals](#)
- › [Sci-Fi/Fantasy](#)
- › [Special Interest](#)
- › [Superbit](#)
- › [Thriller/Suspense](#)
- › [TV](#)
- › [Westerns](#)



DodgeBall: A True Underdog Story

Retail Price: ~~\$29.99~~

DVD Destination Price: \$17.99

You Save: \$12.00

A small local gym is threatened with extinction by a gleaming sports and fitness palace unless a group of social rejects can rise to victory in the ultimate dodgeball competition.

### Hot New DVD Releases



[The Terminal](#)

[Seinfeld](#)

[Hero \(2002\)](#)

[Harry Potter & The](#)

[Prisoner Of](#)

[Azkaban](#)

[Elf](#)

[Princess Diaries 2](#)

### DVD Favorites

[The X-Files](#)

[The Sopranos](#)

[Star Trek](#)

[The Matrix](#)

[Indiana Jones](#)

[All Thumbs](#)





# Exhibit 5

**Exhibit 5 to Declaration of Dave Lahoti**  
**List of Domain Names with “DVD WORLD”**

- |                             |                          |
|-----------------------------|--------------------------|
| 1. dvdworldusa.com          | 29. asiavcdvdworld.com   |
| 2. dvdworld.co.uk           | 30. bargaindvdworld.com  |
| 3. dvdworld.in              | 31. blueraydvdworld.biz  |
| 4. dvdworld.es              | 32. blueraydvdworld.org  |
| 5. dvdworld.de              | 33. blu-raydvdworld.biz  |
| 6. dvd-world.de             | 34. blu-raydvdworld.com  |
| 7. dvd-world.co.uk          | 35. bluraydvdworld.com   |
| 8. dvdworld.fr              | 36. blu-raydvdworld.info |
| 9. dvd-world.nl             | 37. bluraydvdworld.info  |
| 10. dvdworld.nl             | 38. blu-raydvdworld.net  |
| 11. dvdworld.co.nz          | 39. bluraydvdworld.net   |
| 12. dvdworld.com.au         | 40. blu-raydvdworld.org  |
| 13. dvdworld.net.au         | 41. blu-raydvdworld.us   |
| 14. dvdworld.it             | 42. bluraydvdworld.us    |
| 15. dvdworld.at             | 43. blu-raydvdworld.ws   |
| 16. dvd-world.it            | 44. bluraydvdworld.ws    |
| 17. 1800dvdworld.com        | 45. cartoondvdworld.com  |
| 18. 2dvdworld.com           | 46. cd-dvdworld.com      |
| 19. adultdvdworld.com       | 47. cddvdworld.com       |
| 20. adultdvdworld.net       | 48. cd-dvdworld.net      |
| 21. adultdvdworldonline.com | 49. cddvdworld.net       |
| 22. alldvdworld.com         | 50. cdvdworld.com        |
| 23. anime-dvd-world.com     | 51. crazydvdworld.com    |
| 24. anime-dvdworld.com      | 52. customdvdworld.com   |
| 25. animedvdworld.com       | 53. discountdvdworld.com |
| 26. anime-dvd-world.info    | 54. dollardvdworld.com   |
| 27. anime-dvd-world.net     | 55. dualdvdworld.com     |
| 28. asiandvdworld.com       | 56. dvdworld24.com       |

- |                               |                              |
|-------------------------------|------------------------------|
| 57. dvdworldauctions.com      | 87. dvdworlditalia.com       |
| 58. dvdworldbanking.com       | 88. dvdworldlive.com         |
| 59. dvdworld-bg.com           | 89. dvdworldlp.com           |
| 60. dvdworld.biz              | 90. dvdworldmag.com          |
| 61. dvdworldblowout.com       | 91. dvdworldmall.com         |
| 62. dvdworld.bz               | 92. dvdworldmusic.com        |
| 63. dvdworld-caledonie.com    | 93. dvdworld.net             |
| 64. dvdworldcali.com          | 94. dvdworldnet.com          |
| 65. dvdworld.cc               | 95. dvdworld.net.uk          |
| 66. dvdworld.com              | 96. dvdworldnews.com         |
| 67. dvdworldcompany.biz       | 97. dvdworldonline.biz       |
| 68. dvdworldcompany.com       | 98. dvdworldonline.com       |
| 69. dvdworldcompany.info      | 99. dvdworldonline.info      |
| 70. dvdworldcompany.net       | 100. dvdworldonline.net      |
| 71. dvdworldcompany.us        | 101. dvdworldonline.org      |
| 72. dvdworldddirect.com       | 102. dvdworldonline.us       |
| 73. dvdworldddistribution.com | 103. dvdworldonline.ws       |
| 74. dvdworldexpress.com       | 104. dvdworld.org.uk         |
| 75. dvdworldfinancial.biz     | 105. dvdworldpictures.com    |
| 76. dvdworldfinancial.com     | 106. dvdworldpremiere.com    |
| 77. dvdworldfinancial.info    | 107. dvdworldpress.biz       |
| 78. dvdworldfinancial.net     | 108. dvdworldpress.com       |
| 79. dvdworldfree.com          | 109. dvdworldpress.info      |
| 80. dvdworldfundraising.com   | 110. dvdworldpress.net       |
| 81. dvdworldgames.com         | 111. dvdworldproductions.com |
| 82. dvdworldgrenada.com       | 112. dvdworldpublishing.com  |
| 83. dvdworldheadquarters.com  | 113. dvdworldrental.com      |
| 84. dvdworldhomevideo.com     | 114. dvdworldrentals.biz     |
| 85. dvdworldhq.com            | 115. dvdworldrentals.com     |
| 86. dvdworld.info             | 116. dvdworldrentals.info    |

- |                               |                                 |
|-------------------------------|---------------------------------|
| 117. dvdworldrentals.net      | 147. dvdworldwide.com           |
| 118. dvdworldreport.com       | 148. dvdworldwide.net           |
| 119. dvdworldsales.com        | 149. electronicsanddvdworld.com |
| 120. dvdworlds.biz            | 150. eroticdvdworld.com         |
| 121. dvdworldscenes.com       | 151. eurodvdworld.com           |
| 122. dvdworlds.com            | 152. freedvdworld.com           |
| 123. dvdworldshop.com         | 153. gaydvdworld.com            |
| 124. dvdworlds.info           | 154. hd-dvdworld.biz            |
| 125. dvdworlds.net            | 155. hddvdworld.biz             |
| 126. dvdworlds.org            | 156. hd-dvdworld.com            |
| 127. dvdworldsource.com       | 157. hddvdworld.com             |
| 128. dvdworldstore.com        | 158. hd-dvdworld.info           |
| 129. dvdworlds.us             | 159. hddvdworld.info            |
| 130. dvdworldtour.com         | 160. hd-dvdworld.net            |
| 131. dvdworldtrade.com        | 161. hddvdworld.net             |
| 132. dvdworldtravel.com       | 162. hd-dvdworld.org            |
| 133. dvdworldtravels.com      | 163. hddvdworld.org             |
| 134. dvdworldtrips.com        | 164. hd-dvdworld.us             |
| 135. dvdworld.tv              | 165. hddvdworld.us              |
| 136. dvdworld-uk.com          | 166. hd-dvdworld.ws             |
| 137. dvdworlduk.com           | 167. hddvdworld.ws              |
| 138. dvdworlduk.net           | 168. hitachidvdworld.com        |
| 139. dvdworld.us              | 169. hitdvdworld.com            |
| 140. dvdworldusa.biz          | 170. hitsdvdworld.com           |
| 141. dvdworldusa.info         | 171. japandvdworld.com          |
| 142. dvdworldusa.net          | 172. k-deesdvdworld.com         |
| 143. dvdworldvalencia.com     | 173. k-deesdvdworld.net         |
| 144. dvdworld-web.com         | 174. madonnadvdworld.com        |
| 145. dvdworldwebcreations.com | 175. magicdvdworld.com          |
| 146. dvdworldwebhosting.com   | 176. magicdvdworld.net          |

177. musicdvdworld.com
178. mydvdworld.com
179. narutodvdworld.com
180. officialdvdworld.com
181. onlinedvdworld.com
182. playboydvdworld.com
183. porndvdworld.com
184. portabledvdworld.com
185. r18dvdworld.com
186. rdvdworld.com
187. robinsdvdworld.com
188. sexdvdworld.com
189. sonydvdworld.com
190. telugudvdworld.com
191. thedvdworld.com
192. thedvdworldcompany.com
193. tristatemusicanddvdworld.com
194. tristatemusicdvdworld.com
195. tsdvdworld.com
196. tvdvdworld.com
197. tvondvdworld.com
198. useddvdworld.biz
199. useddvdworld.com
200. useddvdworld.us
201. wwwdvdworld.com
202. xdvdworld.com
203. xxx-dvdworld.com
204. xxxdvdworld.com
205. xxxdvdworld.net
206. yourdvdworld.com

ANITA DHALIWAL, an Individual	)	Opposition No. 91167207
	)	Re: DVD WORLD
	)	Serial No.: 78495856
Opposer,	)	
	)	<b>DECLARATION OF R. JOSEPH</b>
v.	)	<b>TROJAN IN SUPPORT OF</b>
	)	<b>OPPOSER'S MOTION FOR</b>
	)	<b>SUMMARY JUDGMENT</b>
DVD WORLD PICTURES CORP.	)	
	)	
Applicant.	)	
	)	

I hereby certify that this paper is being transmitted to the Trademark Trial and Appeal Board via ESTTA on the date shown below:

/R. Joseph Trojan/ March 27, 2009

I, R. Joseph Trojan, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and am an associate of Trojan Law Offices, the attorneys of record for Opposer Anita Dhaliwal ("Opposer"). I have personal knowledge of the facts stated herein. If called upon to do so, I could and would completely testify to the facts in this declaration.

2. Attached as **Exhibit 1** is a true and accurate copy of the application information for the mark DVD WORLD, Application Serial No. 78495856, as listed on the [www.uspto.gov](http://www.uspto.gov) website.

3. Attached as **Exhibit 2** is a true and accurate copy of the printout of the specimen submitted by Applicant to the USPTO as proof of use of the mark DVD WORLD for Retail online sales of DVDs in International Class and for Motion picture production and distribution in International Class .

4. Attached as **Exhibit 3** is a true and accurate copy of the Applicant's Response to Opposer's First Set of Interrogatories, Interrogatory Number 7.

5. On or about July 13, 2006 I went to the website [www.archive.org](http://www.archive.org) ("Archive.org"). Upon information and belief, Archive.org is a website that periodically visits and collects public webpages to historically "archive" the Internet. The site provides a service called "Wayback Machine" that allows visitors to visit archived versions of Web sites. Visitors to the Wayback Machine can type in a URL and then view archived version of a webpage going as far back as 1996.

6. On or about July 13, 2006 I used the "Wayback Machine" service at Archive.org to access the past webpages of [www.dvdworldonline.com](http://www.dvdworldonline.com). Attached as **Exhibit 4** is a true and accurate copy of the webpage I viewed at Archive.org showing the archived webpage at [www.dvdworldonline.com](http://www.dvdworldonline.com) on October 17, 2000.

7. Attached as **Exhibit 5** is a true and accurate copy of the webpage I viewed at Archive.org showing the archived webpage at [www.dvdworldonline.com](http://www.dvdworldonline.com) on September 26, 2001.

8. Attached as **Exhibit 6** is a true and accurate copy of the webpage I viewed at Archive.org showing the archived webpage at [www.dvdworldonline.com](http://www.dvdworldonline.com) on November 21, 2002.

9. Attached as **Exhibit 7** is a true and accurate copy of the webpage I viewed at Archive.org showing the archived webpage at [www.dvdworldonline.com](http://www.dvdworldonline.com) on January 30, 2003.

10. On July 15, 2006 I used the “Wayback Machine” service at Archive.org to access the past webpages of [www.dvdworld.co.uk](http://www.dvdworld.co.uk). Attached as **Exhibit 8** is a true and accurate copies of the webpages I viewed at Archive.org showing the archived webpages at [www.dvdworld.co.uk](http://www.dvdworld.co.uk) from January and April 2001.

11. On July 16, 2006 I used the “Wayback Machine” service at Archive.org to access the past webpages of [www.dvdworldusa.com](http://www.dvdworldusa.com). Attached as **Exhibit 9** is a true and accurate copies of the webpages I viewed at Archive.org showing the archived webpages at [www.dvdworldusa.com](http://www.dvdworldusa.com) on February 1, 2001 and June 2004.

12. Upon information and belief, Network Solutions is an Internet domain registrar located at [www.networksolutions.com](http://www.networksolutions.com) which provides registration and related services for internet domain names. Network Solutions provides registration information for domain names (“WHOIS”) as required by The Internet Corporation for Assigned Names and Numbers (ICANN), the nonprofit body responsible for accrediting domain name registrars. ICANN registration information for websites be accurate and available for anybody to view on the Internet. Network Solutions WHOIS information provides registration and expiration dates, contact information (if public) for the registrant and, if available, a thumbnail of the Web site home page with traffic ranking, meta descriptions, and keywords.

13. On or about July 16, 2006 I visited [www.networksolutions.com](http://www.networksolutions.com) to find the WHOIS information for [www.dvdworldonline.com](http://www.dvdworldonline.com). Attached as **Exhibit 10** is a true and accurate copy of the WHOIS information for [www.dvdworldonline.com](http://www.dvdworldonline.com) that I saw on [www.networksolutions.com](http://www.networksolutions.com). The webpage states that the registrant for



[www.dvdworldonline.com](http://www.dvdworldonline.com) is DVD World Online. The webpage also states that the domain registration was created on February 11, 1999.

14. The WHOIS information for [www.dvdworldonline.com](http://www.dvdworldonline.com) lists the meta keywords for the website as follows: dvd store, dvd store online, adult dvd store, dvd movie store, anime dvd store, dvd dvd movie store, dvd video store, cd dvd store ultimate, dvd movie sale, cheap dvd movie, adult dvd movie, buy dvd movie, dvd movie club, dvd dvd movie, new dvd movie, dvd. The list does not include the words “dvd world” or “dvdworld” or even “world”. See **Exhibit 10**.

15. The WHOIS information for [www.dvdworldonline.com](http://www.dvdworldonline.com) also lists the title for the website as follows: “DVD Destination: The Premier Online DVD Store. All The Latest Releases! At Least 30%Off Off All DVD Movies! The World's Largest IN STOCK DVD Selection.” The title for the site does not include the words “dvd world” or “dvdworld” or even “world”. See **Exhibit 10**.

16. The WHOIS information for [www.dvdworldonline.com](http://www.dvdworldonline.com) also lists the meta description for the website as follows: “ We are the world's third largest online DVD retailer. Every title at least 30% off! The world's largest IN STOCK DVD selection! Come and have a look at our exhaustive range now available!” The meta description does not include the words “dvd world” or “dvdworld” or even “world”. See **Exhibit 10**.

17. On or about July 16, 2006 I visited [www.networksolutions.com](http://www.networksolutions.com) to find the WHOIS information for [www.dvddestination.com](http://www.dvddestination.com). Attached as **Exhibit 11** is a true and accurate copy of the WHOIS information for [www.dvddestination.com](http://www.dvddestination.com) that I saw on [www.networksolutions.com](http://www.networksolutions.com). The webpage states that the registrant for

[www.dvddestination.com](http://www.dvddestination.com) is DVD World Online. The webpage also states that the domain registration was created on August 27, 2002.

18. The WHOIS information for [www.dvddestination.com](http://www.dvddestination.com) lists the meta keywords for the website as follows: dvd store, dvd store online, adult dvd store, dvd movie store, anime dvd store, dvd dvd movie store, dvd video store, cd dvd store ultimate, dvd movie sale, cheap dvd movie, adult dvd movie, buy dvd movie, dvd movie club, dvd dvd movie, new dvd movie, dvd. The list does not include the words “dvd world” or “dvdworld” or even “world”. See **Exhibit 11**.

19. The WHOIS information for [www.dvddestination.com](http://www.dvddestination.com) also lists the title for the website as follows: “DVD Destination: The Premier Online DVD Store. All The Latest Releases! At Least 30%Off Off All DVD Movies! The World's Largest IN STOCK DVD Selection.” The title for the site does not include the words “dvd world” or “dvdworld” or even “world”. See **Exhibit 11**.

20. The WHOIS information for [www.dvddestination.com](http://www.dvddestination.com) also lists the meta description for the website as follows: “ We are the world's third largest online DVD retailer. Every title at least 30% off! The world's largest IN STOCK DVD selection! Come and have a look at our exhaustive range now available!” The meta description does not include the words “dvd world” or “dvdworld” or even “world”. See **Exhibit 11**.

21. On or about July 16, 2006 I visited the [www.dvdworldusa.com](http://www.dvdworldusa.com). Attached as **Exhibit 12** is a true and accurate copy of the WHOIS information for [www.dvdworldusa.com](http://www.dvdworldusa.com) that I saw on [www.networksolutions.com](http://www.networksolutions.com). The webpage states that the domain registration was created on September 26, 2000.

22. On or about July 16, 2006 I visited the [www.dvdworld.co.uk](http://www.dvdworld.co.uk). Attached as **Exhibit 13** is a true and accurate copy of the WHOIS information for [www.dvdworld.co.uk](http://www.dvdworld.co.uk) that I saw on [www.networksolutions.com](http://www.networksolutions.com). The webpage states that the domain registration was created on April 2, 1998.

23. On or about July 16, 2006 I visited the website hddvdworld.com Attached as **Exhibit 14** is a true and accurate copy of the WHOIS information for hddvdworld.com that I saw on [www.networksolutions.com](http://www.networksolutions.com).

24. On or about July 16, 2006 I visited the website dvdworldpictures.com. Attached as **Exhibit 15** is a true and accurate copy of the WHOIS information for dvdworldpictures.com that I saw on [www.networksolutions.com](http://www.networksolutions.com).

25. On or about July 16, 2006 I visited the website [www.dvdworldpictures.com](http://www.dvdworldpictures.com). Attached as **Exhibit 16** is a true and accurate copy of the website from [www.dvdworldpictures.com](http://www.dvdworldpictures.com).

26. On or about July 15, 2006, I conducted a Google search for the mark “dvd world”. No mention of Applicant or Applicant’s websites turned up within the first five (5) pages of the search results. Attached as **Exhibit 17** is a true and accurate printout of the first page of the search results for “dvd world” on Google.

27. On or about July 15, 2006, I conducted a Google search for the mark “dvdworld”. No mention of Applicant or Applicant’s websites turned up within the first five (5) pages of the search results. Attached as **Exhibit 18** is a true and accurate printout of the first page of the search results for “dvdworld” on Google.

28. On or about July 15, 2006, I conducted a Google search for the mark “dvddestination”. No mention of Applicant or Applicant’s websites turned up within the first

five (5) pages of the search results. Attached as **Exhibit 19** is a true and accurate printout of the first page of the search results for “dvddestination” on Google.

29. On or about July 16, 2006 I visited the website [www.dvdworldonline.com](http://www.dvdworldonline.com). Attached as **Exhibit 20** is a true and accurate printout of the page I saw at [www.dvdworldonline.com](http://www.dvdworldonline.com).

30. On or about July 16, 2006, I visited the New York State Department of State Division of Corporations website and searched for entity information for DVD World Pictures Corp. Attached as **Exhibit 21** is a true and accurate printout of NYS Corporate info on Dvd World Pictures Corp.

31. Attached as **Exhibit 22** is a true and accurate copy of Applicant’s response to Opposer’s Request for Admission No. 8.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: March 27, 2009

/R. Joseph Trojan/  
R. Joseph Trojan

Attorney for Opposer Anita Dhaliwal

PROOF OF SERVICE

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On March 27, 2009, I served:

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT;**

**DECLARATION OF DAVE LAHOTI IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT; and**

**DECLARATION OF R. JOSEPH TROJAN IN SUPPORT OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

by transmitting to:

Mr. Edward Papetti  
President  
DVD World Picture Corp.  
63 McGaw Ave.  
Lake Grove, NY 11755  
Fax 631-471-4893

[X] BY FACSIMILE: I caused a copy of such document to be sent via facsimile machine to the office of the addressee(s) at the phone number shown above.

[X] BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown on this proof of service.

[X] FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 27, 2009, at Beverly Hills, California.

/Michiko Speier/  
Michiko Speier

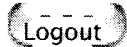
# Exhibit 1



## Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Jul 13 04:16:38 EDT 2006

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREVIOUS](#) [CURR LIST](#) [NEXT DOC](#) [LAST DOC](#)



Please logout when you are done to release system resources allocated for you.



List At:

OR



to record:

**Record 1 out of 4**

[TARR Status](#)

[ASSIGN Status](#)

[TDR](#)

[TTAB Status](#)

( Use the "Back" button of the Internet Browser to return to TESS)

## DVD World

**Word Mark**  
**Goods and Services**

**DVD WORLD**

IC 035. US 100 101 102. G & S: Online Retail store services and distributorships of DVD movies.  
FIRST USE: 19970514. FIRST USE IN COMMERCE: 19981119

IC 041. US 100 101 107. G & S: Motion Picture Production and Distribution. FIRST USE: 19970514.  
FIRST USE IN COMMERCE: 19981119

**Standard Characters Claimed**

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number**

78495856

**Filing Date**

October 6, 2004

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

September 27, 2005

**Owner**

(APPLICANT) DVD WORLD Pictures Corp. CORPORATION NEW YORK 63 McGaw Ave. Lake Grove NEW YORK 11755

**Prior Registrations**

2912970

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DVD" APART FROM THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

TESS HOME

NEW USER

STRUCTURED

FREE FORM

BROWSE DICT

SEARCH OG

TOP

HELP

PREVIOUS

CURR LIST

GO TO PAGE

PREVIOUS

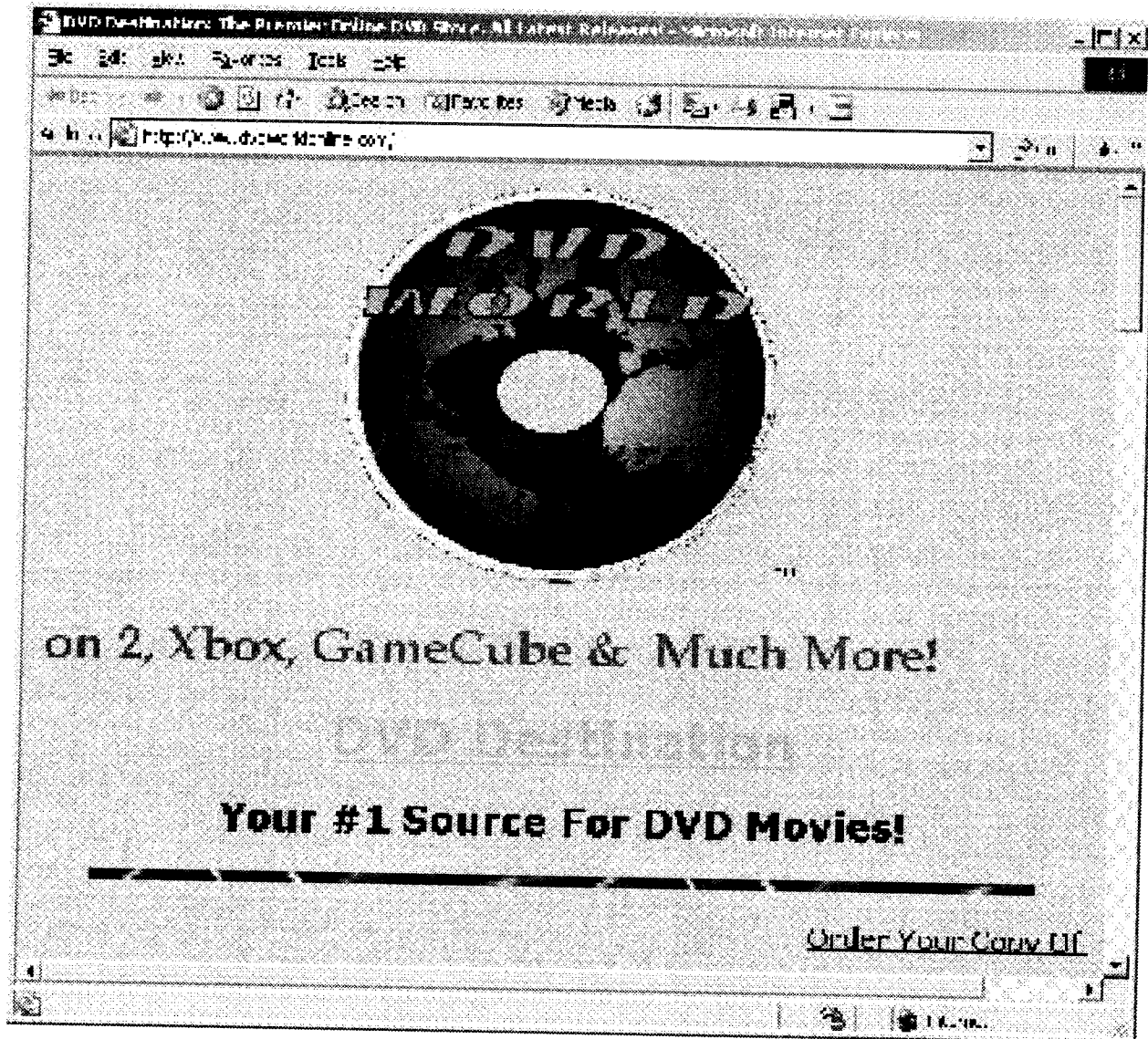
GO TO PAGE

NEXT DOC

LAST DOC



# Exhibit 2



# Exhibit 3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ANITA DHALIWAL,	:	
	:	
Opposer,	:	OPPOSITION NO. 91167207
	:	
v.	:	APPLICATION NO. 78/495856
	:	
DVD WORLD Pictures Corp.	:	
	:	
Applicant.	:	

**APPLICANT DVD WORLD PICTURES CORP.'S RESPONSES TO  
OPPOSER'S FIRST REQUEST FOR ADMISSIONS**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir/Madam:

Applicant, DVD WORLD Pictures Corp. (hereinafter "Applicant"), by its attorneys  
Mintz Levin Cohn Ferris Glovsky and Popeo P.C. hereby submits its responses to  
Opposer's First Request for Admissions:

REQUEST 1. Admit that you do not hold a federal trademark registration for the  
word mark DVD WORLD.

**ANSWER** Applicant admits Request for Admission No. 1.

REQUEST 2. Admit that you have never held a federal trademark registration for  
the word mark DVD WORLD.

**ANSWER** Applicant admits Request for Admission No. 2.

**RESPONSE:**

Applicant objects to this Interrogatory to the extent that it requests information regarding documents that are subject to attorney-client privilege, the work-product doctrine, or which may be confidential and proprietary. Any confidential and proprietary documents, should they exist, will be identified only after an agreed upon protective order has been entered into the record by the TTAB. Without waiving these objections, the Applicant responds that it uses its mark DVD WORLD on and in connection with the sale or advertisement of its goods and services.

**INTERROGATORY NO. 5:**

Identify all documents used in preparing Applicant's responses to Interrogatory Nos. 1, 2, 3 and 4 and indicate whether all such documents have been or will be produced to Opposer.

**RESPONSE:**

Applicant objects to this Interrogatory to the extent that it requests information regarding documents that are subject to attorney-client privilege, the work-product doctrine, or which may be confidential and proprietary. Any confidential and proprietary documents, should they exist, will be identified only after an agreed upon protective order has been entered into the record by the TTAB.

**INTERROGATORY NO. 6:**

Describe the type(s) of advertising media in the United States used to sell Applicant's goods or services under the mark DVD WORLD, and the amount spent in advertising Applicant's goods or services in the United States for each year from Applicant's first use of the mark to date.

**RESPONSE:**

Applicant objects to this Interrogatory to the extent that it requests information regarding documents that are subject to attorney-client privilege, the work-product doctrine, or which may be confidential and proprietary. Any confidential and proprietary documents, should they exist, will be identified only after an agreed upon protective order has been entered into the record by the TTAB. Applicant also objects to this Interrogatory on grounds of relevancy to the issues in the subject opposition proceeding.

**INTERROGATORY NO. 7:**

Identify all websites on which you have used DVD WORLD for online retail and distribution of DVD movies, and for each such website list the date(s) the mark has been used for online retail and distribution of DVD movies.

**RESPONSE:**

Applicant objects to this Interrogatory as being overly broad and unduly burdensome. Without waiving this objection, Applicant has used DVD WORLD for online retail and the distribution of DVD movies on the following web sites: dvdworldonline.com, 2dvdworld.com, adultdvdworld.net, adultdvdworldonline.com, anime-dvdworld.com, animedvdworld.com, blu-raydvdworld.biz, blue-raydvdworld.com, blu-raydvdworld.info, blu-raydvdworld.net, blu-raydvdworld.org, blueraydvdworld.us, blu-raydvdworld.ws, blueraydvdworld.biz, bluraydvdworld.com, bluraydvdworld.info, bluraydvdworld.net, blueraydvdworld.org, bluraydvdworld.us, bluraydvdworld.ws, cd-dvdworld.net, dvdworld.biz, dvdworld.bz, dvdworld.cc, dvdworld.info, dvdworld.me.uk, dvdworld.org.uk, dvdworld.tv, dvdworld.us, dvdworld-web.com, dvdworlds.com, dvdworldauctions.com, dvdworldbanking.com, dvdworldcompany.biz, dvdworldcompany.com, dvdworldcompany.info, dvdworldcompany.net, dvdworldcompany.us, dvdworlddirect.com, dvdworlddistribution.com, dvdworldfinancial.biz, dvdworldfinancial.com, dvdworldfinancial.info, dvdworldfinancial.net, dvdworldfunraising.com, dvdworldgames.com, dvdworldhomevideo.com, dvdworldlive.com, dvdworldmusic.com, dvdworldnet.com, dvdworldonline.biz, dvdworldonline.com, dvdworldonline.info, dvdworldonline.net, dvdworldonline.org, dvdworldonline.us, dvdworldonline.ws, dvdworldpictures.com, dvdworldpress.biz, dvdworldpress.info, dvdworldpress.net, dvdworldpublishing.com, dvdworldrental.com, dvdworldrentals.biz, dvdworldrentals.com, dvdworldrentals.info, dvdworldrentals.net, dvdworlds.biz, dvdworlds.info, dvdworlds.net, dvdworlds.org, dvdworlds.us, dvdworldshop.com, dvdworldstore.com, dvdworldtravel.com, dvdworldusa.biz, dvdworldusa.info, dvdworldusa.net, dvdworldwebcreations.com, dvdworldwebhosting.com, hd-dvdworld.biz, hd-dvdworld.com, hd-dvdworld.info, hd-dvdworld.net, hd-dvdworld.org, hd-dvdworld.us, hd-dvdworld-ws, hddvdworld.biz, hddvdworld.com, hddvdworld.info, hddvdworld.net, hddvdworld.org, hddvdworld.us, hddvdworld.ws, officialdvdworld.com, playboydvdworld.com, thedvdworldcompany.com, usedvdworld.biz, useddvdworld.com, useddvdworld.us, xxxdvdworld.com, xxdvdworld.com, anime-dvd-world.com, anime-dvd-world.com, anime-dvd-world.com, anime-dvd-world.info and anime-dvd-world.net.

**INTERROGATORY NO. 8:**

Identify by medium and date, in chronological order from Applicant's date of first use of the mark DVD WORLD to date, each and every advertisement placed by Applicant in the United States containing the mark DVD WORLD.

**RESPONSE:**

Applicant objects to this Interrogatory as being overly broad and unduly burdensome. Without waiving this objection, Applicant submits that it has advertised its mark DVD WORLD on the radio and via a pay-per-click search engine.

# Exhibit 4



TM

**30%-50%off S.R.P. On All DVD**

**DVD WORLD ONLINE**

**The Store Of The Future Today!**

---

**Pre-Order "The Sopranos: (**

---

**Buy 6 DVD's And Get 1 FREE!**

**Don't Miss This Week's Top Pick:**



**The Most Anticipated System Ever Has Sold Out At Nearly Every Store In The Country Before It Even Comes Close To It's 10/26/2000 Release Date, But DVD WORLD ONLINE Should Still Be Able To Get You The System Before Your Christmas Deadline. Hurry, Orders Are Going To Be**



**Shipped On A "First Ordered, First Shipped" Manner!!! Don't Be Caught Without A Playstation 2  
This Christmas, It Is Sure To Be On Everyone's List!**

**Plus If You Pre-Order Your System Now You Will Get A \$10 Gift Certificate With Your System!**

### **Hot Titles Released This Week:**



**[For More Hot New Releases Click Here!](#)**

### **This Week's Hot Pre-Orders:**



**[For More Hot Pre - Orders Click Here!](#)**

**[Search](#)**

**[Extra Low Prices](#)**

**[Sales Of The Week](#)**

[DVD](#)

[Dreamcast](#)

[Playstation 2](#)

[Playstation](#)

[Nintendo 64](#)

[Poke'mon](#)

[Music](#)

[Electronics](#)

[VHS](#)

[Feedback](#)

[Advertising](#)

[FAQ](#)

[Phone Orders](#)

[Help](#)

[Check Out](#)

**Sheet Music (Opening Soon)**

# Musical Instruments (Opening Soon)

---

## ***This Week's Top Sellers:***

- 1. Playstation 2 System**
- 2. Jurassic Park: Collector's Edition (DTS)**
- 3. Hellraiser / Hellbound: Hellraiser II: Limited Edition Tin (2-DVD Set)**
- 4. Shanghai Noon: Special Edition (DVD)**
- 5. Gladiator (2000): Special Edition (2-DVD Set)**
- 6. Terminator 2: The Ultimate Edition (DVD)**
- 7. The Sopranos: Complete First Season (4-DVD Set)**
- 8. The Rocky Horror Picture Show: 25th Anniversary Edition (2-DVD Set)**
- 9. American Beauty: The Awards Edition (DVD)**
- 10. The Sound Of Music: Special Edition (2-DVD Set)**

# DVD WORLD



## DVD

Check Out These Current Best Sellers:



[Hot New Titles](#)

[DVD's Coming Soon](#)

[Alphabetical List Of All DVD Titles](#)

[Extra Low Priced DVD's](#)



# DVD WORLD



## DVD

**Check Out These Current Best Sellers:**



- [Hot New Titles](#)
- [DVD's Coming Soon](#)
- [Alphabetical List Of All DVD Titles](#)
- [Extra Low Priced DVD's](#)



# Exhibit 5



**30% - 50% Off On All DVD Titles, Playstation 2,**

## **DVD WORLD ONLINE**

**The Store Of The Future Today!**

---

**Don't Miss "Jekyll & Hyde: The Musical", Now Available On DVD For Only \$17.**

---

The DVD WORLD Company Extends Its Sincere Sympathy And Condolences, To The Family And Friends Of The Victims Of The Attack On New York, Pennsylvania and Washington D.C. Which Occurred On 9/11/01.

**We Encourage Everyone To Visit [RedCross.org](http://RedCross.org) To See What You Can Do To Help.**

---

***Buy 6 DVD's And Get 1 FREE!***

**Don't Miss This Week's Top Pick:**



---

**Other Hot Titles:**





[\*\*\*For More Hot New Releases Click Here!\*\*\*](#)

---

**This Week's Hot Pre-Order:**



[\*\*\*For More Hot Pre - Orders Click Here!\*\*\*](#)

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[\*\*Search\*\*](#)

[\*\*Extra Low Prices\*\*](#)

[\*\*DVD\*\*](#)

[\*\*Dreamcast\*\*](#)

[\*\*Playstation 2\*\*](#)

[\*\*X-Box\*\*](#)

[\*\*Game Cube\*\*](#)

[\*\*Pokemon\*\*](#)



[Music](#)

[VHS](#)

[Feedback](#)

[Advertising](#)

[Privacy & Return Policies](#)

[FAQ](#)

[Phone Orders](#)

[Help](#)

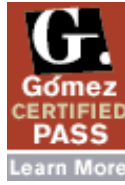
[Check Out](#)

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***This Week's Top Sellers:***

- 1. Akira: Limited Edition Tin (2-DVD Set)**
- 2. Star Wars: The Phantom Menace (2-DVD Set)**
- 3. 61\* (DVD)**
- 4. Blow (DVD)**
- 5. Hannibal: Special Edition (2-DVD Set)**
- 6. Jekyll & Hyde: The Musical (DVD)**
- 7. Silence Of The Lambs: Special Edition (Widescreen)**
- 8. 15 Minutes (DVD)**
- 9. Enemy At The Gates (DVD)**

## **10. Microsoft X-Box System**



Copyright 1999-2001 The DVD WORLD Company & DVD WORLD ONLINE. All Rights Reserved





# DVD WORLD ONLINE



## DVD

**Check Out These Current Best Sellers:**



-  [Hot New Titles](#)
-  [DVD's Coming Soon](#)
-  [Alphabetical List Of All DVD Titles](#)
-  [Extra Low Priced DVD's](#)







# DVD WORLD ONLINE



## DVD

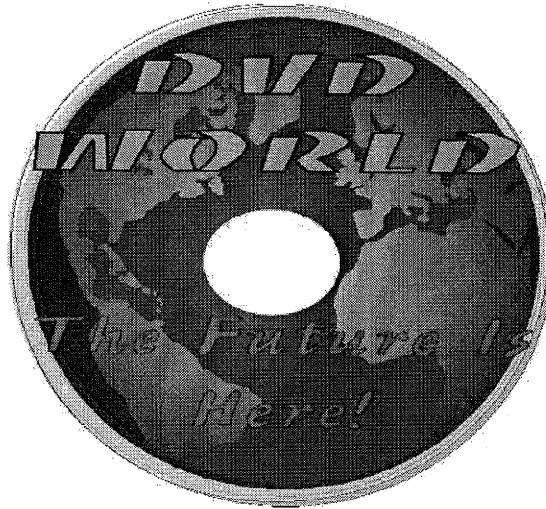
Check Out These Current Best Sellers:



-  [Hot New Titles](#)
-  [DVD's Coming Soon](#)
-  [Alphabetical List Of All DVD Titles](#)
-  [Extra Low Priced DVD's](#)



# Exhibit 6



**& Much More!**

## **DVD WORLD ONLINE**

**The Store Of The Future Today!**

---

**Order Your Copy Of Monsters Inc. TODAY!**

---

**Don't Miss This Week's Top Picks:**



---

**Other Hot Titles:**



***For More Hot New Releases Click Here!***

---

**This Week's Hot Pre-Orders:**



***For More Hot Pre - Orders Click Here!***

---

**Search**

**Wish List**

**DVD**

**Game Cube**

**Playstation 2**

**X-Box**

**Pokemon**

**Music**

**Advertising**

**Privacy & Return Policies**

**FAQ**

**Phone Orders**

**Help**

**Check Out**

---

***This Week's Top Sellers:***

- 1. Spider-Man (Widescreen) (2-DVD Set)**
- 2. Spider-Man (Full Screen) (2-DVD Set)**
- 3. E.T.: The Extra-Terrestrial (2-DVD Set)**
- 4. E.T.: The Extra-Terrestrial (Full Screen) (2-DVD Set)**
- 5. Monsters, Inc. (2-DVD Set)**
- 6. Lord Of The Rings: Fellowship Of The Ring (Widescreen) (2-DVD Set)**
- 7. The Sopranos: The Complete Third Season (6-DVD Set)**
- 8. The Simpsons: Complete Season Two (4-DVD Set)**



**9. Blade II: Platinum Series (2-DVD Set)**

**10. E.T.: The Extra-Terrestrial: Ultimate Collector's Gift Set (4-Disc Set)**



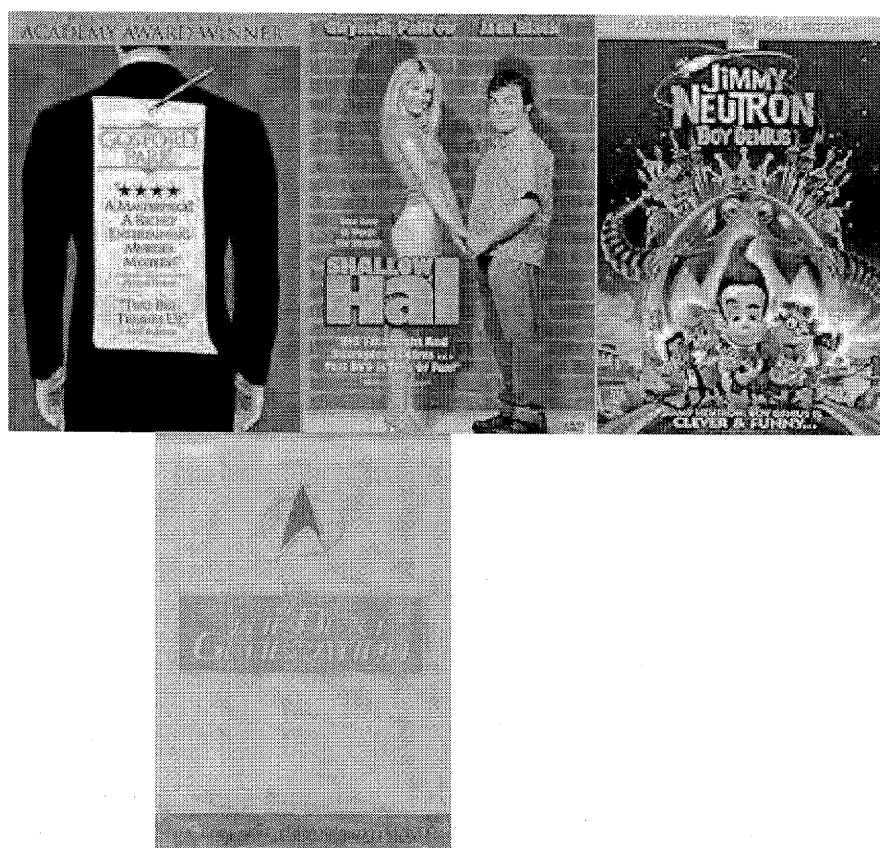
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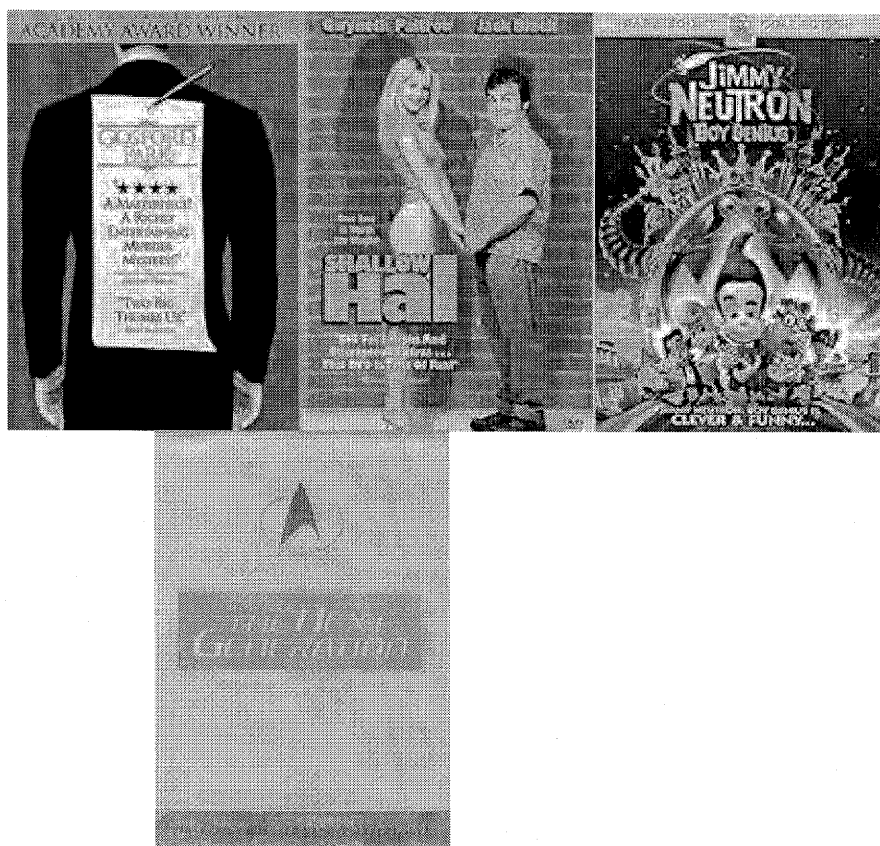
**Alphabetical List Of All DVD Titles**

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## DVD

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**Alphabetical List Of All DVD Titles**

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**Pre-Order Your Copy Of "Harry Potter And The Chamber**

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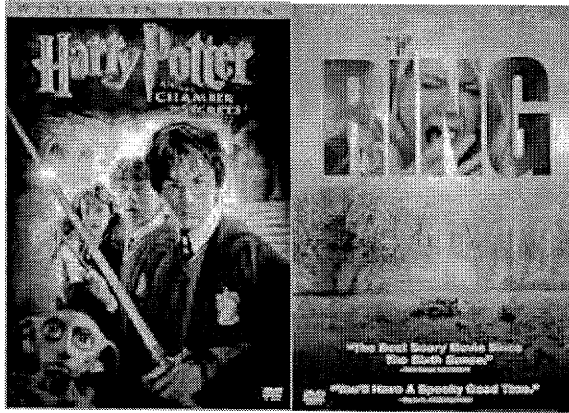
**Don't Miss This Week's Top Picks:**



***For More Hot New Releases Click Here!***

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**This Week's Top Pre-Orders:**



***For More Pre - Orders Click Here!***

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**Game Cube**

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### ***This Week's Top Sellers:***

- 1. Harry Potter And The Chamber Of Secrets (Widescreen) (2-DVD Set)**
- 2. Signs: Vista Series (2-DVD Set)**
- 3. The Bourne Identity (Widescreen) (DVD)**
- 4. Minority Report (Widescreen) (2-DVD Set)**
- 5. Blue Crush (Widescreen) (DVD)**
- 6. Simone (DVD)**
- 7. Undercover Brother (Widescreen) (DVD)**
- 8. Buffy The Vampire Slayer: The Complete Third Season (6-DVD Set)**
- 9. The Shining (1997): Special Edition (2-DVD Set)**
- 10. The Lord Of The Rings: Extended Edition: Gift Set (5-DVD Set)**

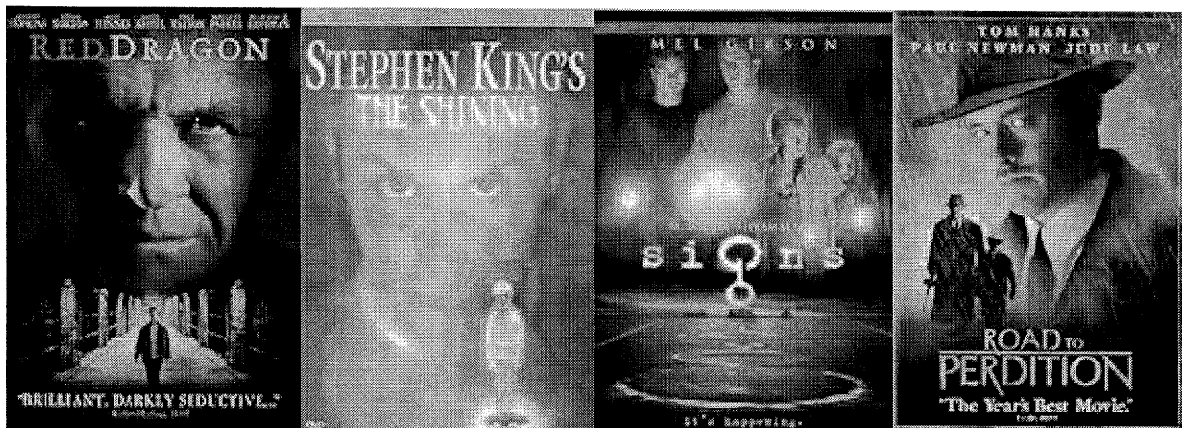


# DVD Destination

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## DVD

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## Title Specific Sections

## MTV



Star Trek

*Superbit*

The X-Files  
**The X-Files**

# DVD Destination

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## DVD

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## Title Specific Sections

## MTV

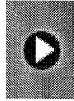
Star Trek

***Superbit***

The X-Files  
**The X-Files**

# Exhibit 8

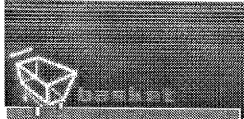
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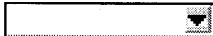


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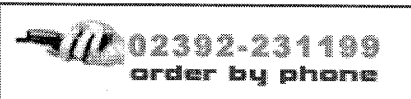
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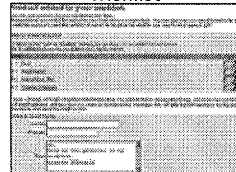
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#### Collection



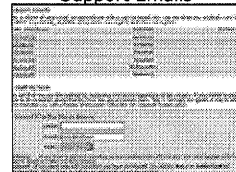
#### Wishlist



#### Comments



#### Support Emails



## Get a FREE Account

Create an account at DVDWorld now. It's easy, it's **FREE**, and account holders enjoy a whole host of benefits like...

#### DVDWorld Weekly Bulletin

Our weekly email newsletter was the first of its kind in the UK to focus specifically on Region 2 UK DVD releases, having been initially sent monthly and then fortnightly before being distributed as it is now. Now sent to over 35,000 recipients and having recently celebrated it's 100th issue this bulletin keeps the market constantly in touch with all the new and bestselling DVD releases and it's **FREE** when you setup an account with us.

#### Profile Data

As a member of DVDWorld, you can show other people a profile of yourself and the system you use. If you add comments about movies, this additional information will be useful to those reading your reviews. If you really want to let people know who you are, include a picture as well!

#### Preferences

Here are some things you can change to make the DVDWorld site better suited to you such as the currency you see, how you use your basket and even some background colour changes.

#### Your Collection

Your Collection helps you to remember what DVDs you already have (it's easier to forget than you'd think). If you add comments to the site about the movies you own, people value your opinion so you can also open Your Collection so that other users can see what you have too.

## Become A Member Enjoy All The Benefits

### New Account Registration

To become an account holder and receive all the benefits DVDWorld has to offer, you need to register and receive a User-ID. All we need is your Name, your country of residence and your e-mail address. It's that simple. Just fill out the form below and we'll send your registration by return.

#### Please fill in below

First Name:

Last Name:

Country:

Please choose a Username. This becomes a 'nickname'; for you while using the system. For example if you add comments about a movie or send emails, it is this Username which is displayed.

Username:

Now please give a valid email address. We will send your DVDWorld account **password** to this email address.

Email:

You can choose to use Secure connection or not. (What is secure connection?)

Secure:  Yes ▼

When ready, click below



Miscellaneous «

2623 Released Now  
126 in last 30 days  
259 Coming Soon

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Password

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password  
**click here!**

Membership is free and  
offers lots of extra  
functions on the site and  
exclusive special offers.  
**click here!** for more  
details.

**Order History**

Order ID	Date	Status	Total
12345	2001-04-13	Completed	£15.99
12346	2001-04-13	Completed	£15.99
12347	2001-04-13	Completed	£15.99

**Invoice Receipt**

Invoice ID	Date	Status	Total
12345	2001-04-13	Completed	£15.99
12346	2001-04-13	Completed	£15.99
12347	2001-04-13	Completed	£15.99

**Your Wishlist**

While surfing the DVDWorld site you see a movie that you didn't even know was released on DVD. You want to own it but you just can't afford it right now. You need to remember to buy it next time you have some cash, but where do you write it down so you don't forget? Easy! Click it into your Wishlist online and build up a batch of titles you really want to own as soon as possible. You can even email your wishlist to a friend or relative - just in case they wanted to buy you something nice.

**Comments**

Post your own reviews about the movies. What you love, what you hate. Good discs, bad discs anything you like. You watched it so tell everyone what you thought. You could be opening up a whole new world to someone who has never seen your favourite film.

**Support Emails**

This is where all your email correspondence with us can be found. You can see when you originally sent the message and to which department, what the status of the message is and when we replied.

**Order History**

Shown here is your entire order history with DVDWorld (using this site) with the most recent first. You can see the status of outstanding orders, and even change or delete them if you wish. For orders already completed, you can still view and print the original receipts for your records.

**Bonus Points**

Under next coming weeks we will add a Bonus system. Everything you order will give you points to later use, and we already add points to the system even if the system is not running. And as a extra bonus, we add 5000 points directly when you create the account.

*Register your new account  
now - it's easy*

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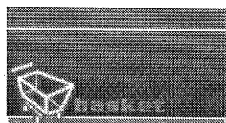
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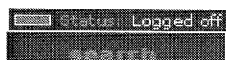
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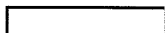
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DVD Titles



Power Search <<

Best of the Best <<



Choose Genre <<



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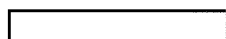
Cables <<

Accessories <<

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PC Products <<

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## Shipping info prices for shipping & handling

### Our shipping rates & and services.

#### 1. - UPS

Offering secure next day delivery by Noon with a signature required, tracked online every step of the way.  
Please note this does not guarantee that your order will arrive within 24 hours from the time that you submit it - as this will always depend on stock levels.

#### 2. - Royal Mail Special Delivery

Offering secure next day delivery by Noon with a signature required.  
Please note this does not guarantee that your order will arrive within 24 hours from the time that you submit it - as this will always depend on stock levels

#### 3. - Royal Mail First Class

First Class takes 2-3 days to be delivered and does not require a signature on delivery. This method of shipping is **FREE to UK customers**.

### Shipping within the UK.

Royal Mail First Class is our preferred standard shipping method for UK orders. Any single shipment with a value of £ 60,00 or more will automatically be sent via **Royal Mail Special Delivery FREE** of charge (please note that if your order is part-shipped because an item is not in stock or not yet released then we will only use Special Delivery if each shipment has a value of **over £ 60,00** - otherwise normal First Class will be used).

For lower value orders you may choose **Special Delivery** if you prefer (charges will apply - see below). Alternatively, you may choose **UPS Courier** service as your preferred shipping method (again charges will apply - see below).

#### UPS

(Monday - Friday)

#### Royal Mail Special Delivery

(Monday - Friday)  
Orders over  
**£ 60,00 = FREE**  
shipping

#### Royal Mail First Class

Not insured  
(Monday - Saturday)  
Available only for  
order  
below **£ 60,00**

Channel Isl.	<b>£ 9,99 (next day)</b>	<b>£ 7,99 (next day)</b>	<b>Free</b> (2-3 days)
England	<b>£ 9,99 (next day)</b>	<b>£ 7,99 (next day)</b>	<b>Free</b> (2-3 days)
N. Ireland	<b>£ 9,99 (next day)</b>	<b>£ 7,99 (next day)</b>	<b>Free</b> (2-3 days)
Scotland	<b>£ 9,99 (next day)</b>	<b>£ 7,99 (next day)</b>	<b>Free</b> (2-3 days)
Wales	<b>£ 9,99 (next day)</b>	<b>£ 7,99 (next day)</b>	<b>Free</b> (2-3 days)

### Countries outside UK.

Check the list below for shipping costs and approximate delivery times to your country. You may choose either UPS Courier service or Royal Mail Special Delivery. We automatically send shipments with a value of **£ 75,00** or more via **Royal Mail Special Delivery FREE** Of Charge but you can request it for any order if you prefer (charges will apply - see rates below). Please note that if your order is part-shipped because an item is not in stock or not yet released then free delivery will only apply if the value of the shipment is £ 75,00 or more, otherwise a charge of £ 7,99 applies to each shipment.

#### UPS

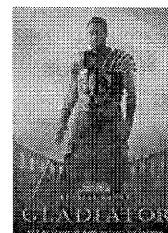
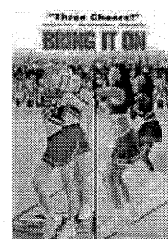
(Monday - Friday)

#### Royal Mail Special Delivery

(Monday - Friday)  
Orders over **£ 75,00**  
**= FREE shipping**

Australia	<b>£ 48,99</b> (1-2 days)	<b>£ 9,99</b> (5-7 days)
Austria	<b>£ 27,99 (next day)</b>	<b>£ 7,99</b> (3-5 days)

### Dont Miss!





**2623** Released Now  
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 and exclusive special  
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 more details.

Belgium	<b>£ 24,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Canada	<b>£ 40,99</b> (1-2 days)	<b>£ 9,99</b> (5-7 days)
Croatia	<b>£ 40,99</b> (1-2 days)	<b>£ 9,99</b> (4-5 days)
Cyprus	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
Czech Republic	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
Denmark	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Finland	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
France	<b>£ 25,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Germany	<b>£ 25,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Greece	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Hungary	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
Iceland	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
Ireland	<b>£ 9,99</b> (next day)	<b>£ 7,99</b> (next day)
Israel	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
Italy	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Latvia	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
Liechtenstein	<b>£ 25,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Luxembourg	<b>£ 25,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Malta	<b>£ 41,99</b> (1-2 days)	<b>£ 7,99</b> (4-5 days)
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New Zealand	<b>£ 48,99</b> (1-2 days)	<b>£ 9,99</b> (5-7 days)
Norway	<b>£ 41,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Poland	<b>£ 41,99</b> (next day)	<b>£ 7,99</b> (4-5 days)
Portugal	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Singapore	<b>£ 41,99</b> (1-2 days)	<b>£ 9,99</b> (4-5 days)
Spain	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Sweden	<b>£ 27,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
Switzerland	<b>£ 41,99</b> (next day)	<b>£ 7,99</b> (3-5 days)
United Arab Emirates	<b>£ 40,99</b> (1-2 days)	<b>£ 9,99</b> (5-7 days)
USA	<b>£ 40,99</b> (1-2 days)	<b>£ 9,99</b> (5-7 days)


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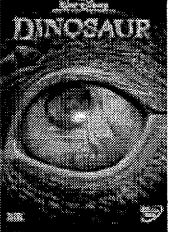


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- >> Action
- >> Adult
- >> Adult-Gay
- >> Adventure
- >> Animation
- >> Anime
- >> Comedy
- >> Crime
- >> Disney
- >> Drama
- >> Family
- >> Fantasy
- >> Foreign
- >> Horror
- >> Martial Arts
- >> Music - Classic

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Welcome to DVDWorld, home to every DVD title released in the UK. Here you'll find all the latest and greatest movies available on the astounding DVD format at often vastly discounted prices. DVDWorld offers you secure shopping with your own individual account and a host of other membership facilities.  
*Dive in and enjoy!*

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15% off

8% off

15% off


15% off

- >> Prince Of Egypt, The (Animated)
- >> Antz
- >> GoldenEye (007)
- >> Tomorrow Never Dies (007)
- >> Tripods Series 1 (2-Disc Set)
- >> Galaxy Quest
- >> Hard Boiled (Uncut Version)
- >> G.I. Jane
- >> More New Releases


**Future Releases**

- >> XCQ Tropical Rainforest
- >> XCQ Africa The Serengeti
- >> Total Recall
- >> Popstars - The Video
- >> XCQ Mysteries Of Egypt IMAX
- >> XCQ Alaska Spirit Of The Wild
- >> XCQ Search For The Great Sharks
- >> XCQ Grand Canyon The Hidden Secrets
- >> More Future Releases


**Great Movies Coming Soon.**  
There are hundreds of great titles coming soon to DVD in the UK. Here you can order them in advance (Pre-order) at reduced prices and receive them as soon as they are released. It's easy!




South Park



Star Trek



BBC



StarGate

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Pre-Order Chart <<

Future Releases <<

New Releases <<

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offers. **click here!** for  
more details.

## Oscar Award Guide at DVDWorld



**Click here for the Guide**

Since 1929 there has been an annual extravaganza celebrating the very best in motion pictures. The very first ceremony held at the Blossom Room of the Hollywood Roosevelt Hotel was attended by 250 people. This year the event will be watched by millions worldwide and of course online.

The suspense which now touches most of the world at Oscar? time was not always characteristic of the Awards. At first the winners were known prior to the Awards banquets. Results were given in advance to the newspapers for publication at 11 p.m. on the night of the Awards. But in 1940, guests arriving for the affair could buy the 8:45 p.m. edition of the Los Angeles Times, which announced the winning achievements. As a result, the sealed-envelope system was adopted the next year and remains in use today.

Movie lovers around the world have used Oscar? nominations as a guide to what they should be watching in their Home Cinemas and films containing winners of the prestigious gold statuette are an absolute must for any collection. Now you can find out who won what and when right here at your DVDWorld.

In honor of the 73rd annual awards in 2001, DVDWorld is proud to unveil it's Academy Award? search database for a simpler way to choose the most excellent movies ever made by the most talented movie-makers for your own personal DVD collection.

- » [Music - Popular](#)
- » [Musical](#)
- » [Mystery](#)
- » [Opera / Ballet](#)
- » [Romance](#)
- » [Science-Fiction](#)
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For Genre search, you  
can make use of the  
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Telephone: 02392-231177  
Fax: 02392-232277

# Exhibit 9

THE UK'S TOP PROVIDER OF REGION ONE DVDs

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THE DAY AFTER TOMORROW

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Adult DVDWORLD Choose Your Currency

Top Sellers

- Haunted Mansion
- Cat in the Hat
- Last Samurai
- Lord of the Rings
- Cold Creek Manor
- The Rundown
- 21 Grams
- Gothika
- Big Fish
- Capturing The Friedmans
- The Cooler
- Torque
- Miracle
- You Got Served
- Girl with a Pearl Earring
- Friends: Finale
- Club Dread
- Smallville
- Saving Private Ryan
- Welcome to Mooseport
- Bubba Ho-Tep
- Wyatt Earp
- Sex And The City : Sixth Season Part 1
- Underworld: Extended Cut
- Lord Of The Rings Trilogy
- Nine Lives
- Wonderland
- Shattered Glass
- Radio
- Monster
- Starship Troopers 2
- Pitch Black:Director's Cut
- My Baby's Daddy
- Cop Land: Special Edition
- Das Boot: Original Uncut Version
- Trainspotting: Collector's Edition
- Mystic River
- Mystic River Deluxe Edition
- Along Came Polly
- Catch That Kid
- City of God
- More >>

Coming Soon

- Dirty Dancing 2
- Human Stain
- Bad Santa

About Us

Who Are We ?

We are a British company that supplies Region 1 DVD's primarily to the United Kingdom. We also supply to the U.S.A. and the rest of the world.

We have offices in Stoke On Trent and Bonita Springs, Florida, USA. All Orders are dispatched from our Florida branch.

When you contact us by telephone you may be spoken to from either location. HOWEVER, you will only be charged for a local rate call, even if you are connected to us in Sunny Florida. We handle the call transfer from our switchboard in Stoke On Trent, free of charge.....So why not call to ask about the weather ?

We intend to offer you the best service and selection of Region 1 DVD's to the United Kingdom at the most competitive prices and early availability...

General Questions

What is an advanced copy ?

Most U.S. Releases are usually unavailable until the official street date. However, here at Digitalworld we have access to most major releases up to three weeks prior to their official release date.

How do I make an order on-line?

1. First select the item from the home page or by browsing through our search engine. Clicking on a name or a picture will take you to a product page where you can find detailed information about that particular film.
2. To put an item into your shopping cart, press the "BUY" button. Once added, you'll then be transfer to the shopping cart page where you can review your order. Here you can delete or change an item's quantity. If you do make a change, don't forget to press the recalculate button, otherwise the change will not be saved.
3. To see what's in your shopping cart at any time, press the "View Cart" button.
4. You can continue to add more items to your shopping cart until you wish to authorise payment by pressing the "Checkout" button.
5. So that we know where to send the goods, you will need to open an account by filling in all the required information. Please make sure that the address given here is also the billing address. You can add a different shipping address if this is not the same as the billing address later in the checkout procedure. You will also be asked to enter a username and password, please remember to note these down as you will need these to log in next time
6. Once you have confirmed that all the information is correct and you have agreed with the terms and conditions, you will be transferred to the secure payment page where your credit/debit card information will be taken. Please note the type of card you're using and select the appropriate option.
7. Once the transaction has been processed and authorised, a confirmation e-mail will be sent to the address given. Please print it out and keep it in a safe place.
8. If you are an existing customer who is ordering online for the first time, you will need to set up your account, you will only need to do this once. Thereafter, any returning customer, when completing their order simply needs to select "INFO ON FILE", saving the need to re-enter their Credit Card details, unless they are adding or amending their information.
9. If you would like to order online but you are uncomfortable about entering your personal card details, simply place your order as normal and at checkout select "PHONE ORDER" and call us with your details, you will only need to do this once.

Is there another way for me to order if I can't order on-line?

- Cold Mountain
  - Hidalgo
  - Star Wars Trilogy
  - 50 First Dates
  - Passion of The Christ
  - Starsky & Hutch
  - Agent Cody Banks 2
  - Spartan
  - Tupac: Resurrection
  - Barbershop 2
  - Predator: Collector's Edition
  - Against The Ropes
  - The Perfect Score
  - Secret Window
  - Butterfly Effect
  - The Big Bounce
  - Ned Kelly
  - Hellboy
  - Whole Ten Yards
  - Kill Bill: Volume 2
  - Never Die Alone
  - Twisted
  - The Dreamers
  - Prince and Me
  - The Reckoning
  - Walking Tall
  - The Ladykillers
  - Scooby Doo 2
  - Girl Next Door
  - Duel : Collectors Edition
  - Connie And Carla
  - Aladdin: Special Edition
  - Aladdin Gift Set
  - Jersey Girl
  - Lion King II: Special Edition
  - Angels In America
- More >>



You can call our sales hotline number on :

0871 222 0650 (UK)

001 239 498 1719 (ALL OTHER COUNTRIES)

001 239-498-1720 (FAX)

where one of our sales representatives will be happy to take your call.

***What method of payments do you accept?***

We accept payments made with all major credit/debit cards except for American Express. You can also pay by cash, cheque or postal orders . Please call for details.

***How secure is your on-line payment facility?***

For your total security, credit card details are encrypted using the highest encryption rate available (128bit). All card details are entered through our secure server.

It is our policy never to pass your personal information to anyone else.

At our discretion we may cancel or put on hold any order we deem to be suspicious. We may ask for names and addresses to be verified before we will process an order.

***Is there any shipping charge?***

All shipping to the UK and USA is free of charge, unless you have chosen to upgrade to PRIORITY POST

***What is the delivery time?***

Delivery time to the UK is approximately 4 to 5 working days after the post date. For Europe it is 4 to 6 working days and 5 to 7 working days for all other destinations.

***We do not ship on weekends and national holidays.***

Shipping time is calculated after the day an item is posted and NOT when it was ordered. Delays in the postal system can increase the delivery time so cannot be guaranteed.

***What happens if I order one or more DVDs and they're not in stock?***

We will do our best to have a full inventory at all times but stock can run out. If one or more items are put on backorder, we will send you what we have as soon as possible and then the remainder when they're back in stock.

***What happens when I make a pre-order?***

Pre-orders are shipped as soon as they're available. Which can be up to three weeks ahead of its official release dates. No payment is taken for the order until the item is dispatched.

***How can I cancel an order?***

If you wish to cancel an order simply e-mail to this address [feedback@dvdworldusa.com](mailto:feedback@dvdworldusa.com). Be sure to quote your full name and order number.

Unfortunately, we cannot cancel an order once it has been dispatched. Please allow a minimum of 24 hours before an order is shipped for a cancellation to be accepted.

***Can I return something if I have ordered it by mistake?***

Yes, can return any unwanted item within 5 days of receiving it, so long as the goods has not been used and is still sealed and in the same condition as when it was delivered, together with the original invoice. Please contact our customer services first before making any returns.

***Can I return something if I discover that my DVD player or TV is not compatible with the region 1 DVD I have bought?***

Region 1 DVDs can only be played on a region 1 or multi-region DVD player. We ask that you make sure your player or TV can handle these DVDs before ordering, as we will not refund or exchange any disc due to compatibility issues once the packaging has been removed.

We also recommend you have the necessary equipment to decode DTS or any other sound formats available on DVDs.

***Can I return something if it is faulty or damaged?***

Yes, you have 30 days from receipt of the order to return any item that is defective or damaged (from either manufacture or shipping) and we will replace it with the same item. If the return is due to a shipping error we will exchange it for the right merchandise. Please contact our customer service first before sending any goods back.

**What happens when a package does not arrive in the specified time?**

Because the quoted delivery times are only an approximation, we must ask that you allow up to 28 working days for the package to be delivered. If the package does not arrive after 28 working days then please contact our customer services, who will be happy to sort out any problems.

**Technical****What are region encodings?**

When DVD was first launched the movie studios wanted a way to control when a film was to be released in a certain part of the world, so they divided it up into regions. The idea of region encoding was to prevent a DVD meant for one region to be played on a DVD player from another region.

*These are the regions:*

*Region 1: USA and Canada.*

*Region 2: Japan, Europe, South Africa, and Middle East.*

*Region 3: Southeast Asia and East Asia*

*Region 4: Australia, New Zealand, South and Central America.*

*Region 5: Eastern Europe, India, Africa, North Korea, and Mongolia*

*Region 6: China*

*Region 7: Reserved*

*Region 8: Special international venues (aeroplanes, cruise ships, etc.)*

**Can I play a region 1 DVD on my UK DVD player?**

You can only play a region 1 DVD on a region 1 or multi-region DVD player. Most DVD players sold in UK high-street shops are set to region 2. However, it is possible to modify your player to be able to play region 1 DVDs. Also, there are an increasing number of players sold that are already multi-region.

**How can I turn my region 2 DVD player into a multi-region player?**

You can turn your region 2 only DVD player into a multi-region player by adding a micro-ship, or with some players, can be hacked to become multi-region by pressing a combination of keys on the remote control. The former method should be done by a specialist company who will usually give you a replacement warranty as modifying your player this way will void the manufacturer's warranty. Hacks can usually be found on the internet or newsgroups. DVD magazines are also a good source for hacks.

**Can I play region 1 DVDs on my PS2 or X-Box consoles?**

To play a region 1 DVD on a European PS2, you will need a "DVD Region X" peripheral. These can be bought from any good video games shop.

**What is PAL and NTSC?**

These are two different TV picture standards. Region 2 (Europe) uses the PAL standard where as region 1 (USA and Canada) uses the NTSC standard. These standards are incompatible with one another and to be able to view a region 1 DVD on a UK TV, you'll need to have an NTSC compatible or multi-standard TV.

**Why is the picture only in black and white?**

This happens if your TV is not able to handle an NTSC signal. Some UK DVD players are able to output a pseudo-PAL signal called PAL60 from a switch on the back of the player or in the menu options.

**What does "anamorphic" mean?**

Anamorphic is an enhancement for widescreen TVs where the image is compressed in the vertical axis during encoding so that it can be decompressed by the TV when viewing to give a higher resolution image. You should set the player to output an anamorphic picture if you have a widescreen TV.

**Why do I still get black bars on the screen even when I am viewing on a widescreen TV?**

Widescreen TVs have an aspect ratio of 1.77:1 otherwise known as 16x9. If a film has a higher aspect ratio than this (1.85:1 or 2.35:1 for example) then you will get bars at the top and bottom of the picture because the image is much wider than the TV screen.

**What is RCE encoding?**

Some region 1 titles from Columbia Tristar have an encoding called 'Regional Coding Enhancement' (RCE). This will prevent the DVD from playing on some multi-region or region-free DVD players. In general, any multi-region player that has the option for you to manually choose the regional setting will not be affected by RCE.

Please make sure that your player can handle this encoding before ordering, as we are unable to accept any returns due to RCE.

**What is Dolby Digital 5.1?**

Most DVDs have a Dolby Digital sound track as standard. The most common 5.1 which means it has 5 separate and discrete sound channels and one channel for the low level or bass effects. Dolby Digital is



also available in 6.1, also know as Dolby Digital EX as well as mono, stereo and surround.

***What is DTS?***

Digital Theatre Systems (DTS) Digital Surround is an audio encoding format similar to Dolby Digital. You will need a decoder, either in the player or an external amplifier to be able to hear the sound. Because DTS uses a lower compression level than Dolby Digital, the sound quality is supposed to be better.

***Why does the picture and sound freeze for a second halfway through the film?***

Some films, especially those over two hours long or encoded at a high data rate, are spread across two layers on one side of the disc. When the player changes to the second layer, the video and audio may freeze for a moment. The length of the pause depends on the player and on the layout of the disc. The pause is not a defect in the player or the disc.

***What can I do if I have a problem with the checkout system?***

If you are having difficulty completing the checkout, please make sure that your browser has cookies switched on and that it is compatible with 128Bit encryption. You can download upgrade patches for your browser from the relevant software companies.

**Problems or Concerns**

If you have any problems or concerns, please do not hesitate to contact us via e-mail, snail mail, or phone as your satisfaction is our priority.

[BACK TO TOP ^](#)

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# Exhibit 10

## WHOIS Search Results

## Search Engine Visibility

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## SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

- ☒ Domain Name  
☐ NIC Handle  
☐ IP Address

Search &gt;

## WHOIS Record For

dvddestination.com



Certified Offer Service - Make an offer on this domain  
SSL Certificates - Make this site secure  
Site Confirm Seals - Become a trusted Web Site

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Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

## Registrant:

DVD WORLD ONLINE  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)

Domain Name: DVDDESTINATION.COM

Created on: 27-Aug-02

Expires on: 27-Aug-05

Last Updated on: 31-Aug-05

## Administrative Contact:

Papetti, Eddie [dvdworld@aol.com](mailto:dvdworld@aol.com)

DVD WORLD ONLINE

63 McGaw Ave.

Lake Grove, New York 11755

United States  
(631) 580-0101 Fax -- (631) 471-4883

Technical Contact:  
Papatt, Eddie edward@ed.com  
DVD WORLD ONLINE  
63 McGaw Ave.  
Lake Green, New York 11758  
United States  
(631) 580-0101 Fax -- (631) 471-4883

Domain servers in listed order:  
PAR01.SECURESERVER.NET  
PAR02.SECURESERVER.NET

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Show underlying registry data for this record

Current Registrar:	GO DADDY SOFTWARE, INC.
IP Address:	64.202.188.170 (ARIN & RIPE IP search)
IP Location:	UNITED STATES-ARIZONA-SCOTTSDALE
Record Type:	Domain Name
Server Type:	Other
Lock Status:	REGISTRAR-LOCK
Web Site Status:	Active
DMC2:	no listings
VI Directory:	see listings
Web Site Title:	DVD Destination: The Premier Online DVD Store. All The Latest Releases! At Least 20% OFF ON ALL DVD Movies! The World's Largest IN STOCK DVD Selection.
Meta Description:	We are the world's third largest online DVD retailer. Every title at least 20% off! The world's largest IN STOCK DVD selection! Come and have a look at our extensive range now available! dvd store, dvd store online, adult dvd store, dvd movie store, anime dvd store, dvd dvd movie store, dvd video store, cd dvd store ultimate, dvd movie sale, cheap dvd movie, adult dvd movie, buy dvd movie, dvd movie club, dvd dvd movie, new dvd movie, dvd
Meta Keywords:	
Secure:	No
E-commerce:	No
Traffic Ranking:	4
Date as of:	28-Mar-2006

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit [www.internetserviceproviders.org](http://www.internetserviceproviders.org)

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Need to get your business online?

Our professional designers can build a custom Web site for your business.

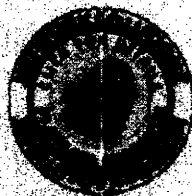
\$44.75/month, plus a \$299 design fee.



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Get found on major search engines like Google® and Yahoo!®. \$34.95/month, plus a \$79 setup fee.

Domain Name Registration | Web Hosting | Web Site Design | SSL Certificates | E-Commerce Solutions | Internet Marketing



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# Exhibit 11



## WHOIS Search Results



## WHOIS Record For

**dvddestination.com**



[Certified Offer Service](#) - Make an offer on this domain  
[SSL Certificates](#) - Make this site secure  
[Site Confirm Seals](#) - Become a trusted Web Site

The data contained in GoDaddy.com, Inc.'s WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:  
DVD WORLD ONLINE  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)  
Domain Name: DVDDDESTINATION.COM  
Created on: 27-Aug-02  
Expires on: 27-Aug-06  
Last Updated on: 31-Aug-05

**Administrative Contact:**  
Papetti, Eddie [dvdwld@aol.com](mailto:dvdwld@aol.com)  
DVD WORLD ONLINE  
63 McGaw Ave.  
Lake Grove, New York 11755

**SEARCH AGAIN**

**Enter a search term:**

\_\_\_\_\_

e.g. [networksolutions.com](http://networksolutions.com)

**Search by:**

## Domain Name

NIC Handle

### IP Address



United States  
(631) 580-0101 Fax -- (631) 471-4893

Technical Contact:  
Papetti, Eddie dvdwld@aol.com  
DVD WORLD ONLINE  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States  
(631) 580-0101 Fax -- (631) 471-4893

Domain servers in listed order:  
PARK21.SECURESERVER.NET  
PARK22.SECURESERVER.NET

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[Show underlying registry data for this record](#)

<b>Current Registrar:</b>	GO DADDY SOFTWARE, INC.
<b>IP Address:</b>	<a href="#">64.202.189.170</a> (ARIN & RIPE IP search)
<b>IP Location:</b>	US(UNITED STATES)-ARIZONA-SCOTTSDALE
<b>Record Type:</b>	Domain Name
<b>Server Type:</b>	Other
<b>Lock Status:</b>	REGISTRAR-LOCK
<b>Web Site Status:</b>	Active
<b>DMOZ</b>	no listings
<b>Y! Directory:</b>	<a href="#">see listings</a>
<b>Web Site Title:</b>	DVD Destination: The Premier Online DVD Store. All The Latest Releases! At Least 30% Off Off All DVD Movies! The World's Largest IN STOCK DVD Selection.
<b>Meta Description:</b>	We are the world's third largest online DVD retailer. Every title at least 30% off! The world's largest IN STOCK DVD selection! Come and have a look at our exhaustive range now available!
<b>Meta Keywords:</b>	dvd store, dvd store online, adult dvd store, dvd movie store, anime dvd store, dvd dvd movie store, dvd video store, cd dvd store ultimate, dvd movie sale, cheap dvd movie, adult dvd movie, buy dvd movie, dvd movie club, dvd dvd movie, new dvd movie, dvd
<b>Secure:</b>	No
<b>E-commerce:</b>	No
<b>Traffic Ranking:</b>	4
<b>Data as of:</b>	12-Apr-2006

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit [www.internetprivacyadvocate.org](http://www.internetprivacyadvocate.org).

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### Get listed on Google® and Yahoo!®

Get found on major search engines like Google® and Yahoo!®. \$34.95/month, plus a \$79 setup fee.



---

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# Exhibit 12



## WHOIS Search Results



**Snatch Up the Domain Name You Want**  
Get your desired domain name  
before anyone else with **Backorder**.

» TRY IT NOW

### SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:



**Domain Name**

**NIC Handle**

**IP Address**

**Search** ➔

### WHOIS Record For

**dvdworldusa.com**



[Certified Offer Service](#) - Make an offer on this domain  
[SSL Certificates](#) - Make this site secure  
[Site Confirm Seals](#) - Become a trusted Web Site

==--==

Registration Service Provided By: Traverse Global GNP Domain Registrations  
Contact: [dns@msrootserve.com](mailto:dns@msrootserve.com)  
Visit: <http://www.traverseglobal.com/services/>

Domain name: DVDWORLDUSA.COM

#### Registrant Contact:

DVD Digital World  
Tony Denson ([tonydensonusa@aol.com](mailto:tonydensonusa@aol.com))  
+1.2394981719  
Fax: 239-498-1720  
28731 South Cargo Court - Suite # 2  
Bonita Springs, FL 34135  
US

#### Administrative Contact:

DVD Digital World  
Tony Denson ([tonydensonusa@aol.com](mailto:tonydensonusa@aol.com))  
+1.2394981719  
Fax: 239-498-1720  
28731 South Cargo Court - Suite # 2  
Bonita Springs, FL 34135  
US

#### Technical Contact:

DVD Digital World  
Tony Denson ([tonydensonusa@aol.com](mailto:tonydensonusa@aol.com))  
+1.2394981719  
Fax: 239-498-1720  
28731 South Cargo Court - Suite # 2  
Bonita Springs, FL 34135  
US

Status: Locked

Name Servers:

DNS11.REGISTER.COM  
DNS12.REGISTER.COM

Creation date: 26 Sep 2000 16:47:56  
Expiration date: 26 Sep 2007 16:47:56  
==--==

Whois-Services: 9760d7dd-7f72-4def-a867-cab4981b6c00@whois-services.com

The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. We make this information available "as is," and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or (2) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from us. The registrar of record is eNom. We reserve the right to modify these terms at any time. By submitting this query, you agree to abide by these terms.  
Version 6.3 4/3/2002

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[Show underlying registry data for this record](#)

<b>Current Registrar:</b>	ENOM, INC.
<b>IP Address:</b>	<a href="#">69.57.149.18</a> (ARIN & RIPE IP search)
<b>IP Location:</b>	US(UNITED STATES)-CALIFORNIA-LOS ANGELES
<b>Record Type:</b>	Domain Name
<b>Server Type:</b>	IIS 6
<b>Lock Status:</b>	REGISTRAR-LOCK
<b>Web Site Status:</b>	Active
<b>DMOZ</b>	<a href="#">1 listings</a>
<b>Y! Directory:</b>	<a href="#">see listings</a>
<b>Web Site Title:</b>	DVDWorldUSA.com
<b>Meta Keywords:</b>	dvd, digital, movie, movies, blockbuster, video, videos, entertainment, home entertainment, new release, new releases, coming soon, favorites, family, children, adult, adult themes, documentary, fiction, mystery, thriller, horror, scary movie, comedy, rom
<b>Secure:</b>	Yes
<b>E-commerce:</b>	Yes
<b>Traffic Ranking:</b>	3
<b>Data as of:</b>	12-Apr-2006

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about actions you can take to protect your WHOIS information visit [www.internetprivacyadvocate.org](http://www.internetprivacyadvocate.org).

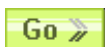
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#### **Need to get your business online?**

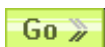
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Get found on major search engines like Google® and Yahoo!®. \$34.95/month, plus a \$79 setup fee.



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# Exhibit 13



## WHOIS Search Results



**Does your Web site need a face lift?**

Let our experts evaluate your Web site, for **FREE!**

[Click Here](#)

### SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

☐ [Domain Name](#)

☐ [NIC Handle](#)

☐ [IP Address](#)

[Search](#)

### WHOIS Record For

**dvdworld.co.uk**

[SSL Certificates](#) - Make this site secure

[Site Confirm Seals](#) - Become a trusted Web Site

Domain name:

dvdworld.co.uk

Registrant:

Oliver Wilson-Barnes

Registrant type:

UK Individual

Registrant's address:

The registrant is a non-trading individual who has opted to have their address omitted from the WHOIS service.

Registrant's agent:

Interhost UK Ltd [Tag = INTERHOSTUK]

URL: <http://www.abcreg.net>

Relevant dates:

Registered on: 02-Apr-1998

Renewal date: 02-Apr-2008

Last updated: 03-Apr-2006

Registration status:

Registered until renewal date.

Name servers:

ns1.abcreg.net

ns2.abcreg.net

WHOIS lookup made at 06:51:25 17-Jul-2006

--

This WHOIS information is provided for free by Nominet UK the central registry for .uk domain names. This information and the .uk WHOIS are:

Copyright Nominet UK 1996 - 2006.

You may not access the .uk WHOIS or use any data from it except as permitted by the terms of use available in full at <http://www.nominet.org.uk/whois>, which includes restrictions on: (A) use of the data for advertising, or its repackaging, recompilation, redistribution or reuse (B) obscuring, removing or hiding any or all of this notice and (C) exceeding query rate or volume

limits. The data is provided on an 'as-is' basis and may lag behind the register. Access may be withdrawn or restricted at any time.

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)

**IP Address:** [85.159.88.236](#) (ARIN & RIPE IP search)

**IP Location:** UK(UNITED KINGDOM)

**DMOZ** [2 listings](#)

**Y! Directory:** [see listings](#)

**Data as of:** 26-May-2004

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit [www.internetprivacyadvocate.org](http://www.internetprivacyadvocate.org).

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service experience"  
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# Exhibit 14



## WHOIS Search Results



**FREE DOMAIN TRANSFER**  
with any annual Web Site package [» LEARN MORE](#)

### SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

☐ [Domain Name](#)

☐ [NIC Handle](#)

☐ [IP Address](#)

[Search](#)

### WHOIS Record For

hddvdworld.com



[Certified Offer Service](#) - Make an offer on this domain

[SSL Certificates](#) - Make this site secure

[Site Confirm Seals](#) - Become a trusted Web Site

The data contained in GoDaddy.com, Inc.'s Whois database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

#### Registrant:

The DVD World Company  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)

Domain Name: HDDVDWORLD.COM

Created on: 01-Dec-03

Expires on: 01-Dec-06

Last Updated on: 02-Feb-06

#### Administrative Contact:

Papetti, Edd [dvdwld@aol.com](mailto:dvdwld@aol.com)  
The DVD World Company  
63 McGaw Ave.  
Lake Grove, New York 11755

United States  
15166072631 Fax --

Technical Contact:  
Papetti, Edd dvdwld@aol.com  
The DVD World Company  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States  
15166072631 Fax --

Domain servers in listed order:  
NS1.HOSTW3.COM  
NS2.HOSTW3.COM

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)

<b>Current Registrar:</b>	GO DADDY SOFTWARE, INC.
<b>IP Address:</b>	<a href="#">206.123.69.202</a> (ARIN & RIPE IP search)
<b>IP Location:</b>	US(UNITED STATES)
<b>Record Type:</b>	Domain Name
<b>Server Type:</b>	IIS 6
<b>Lock Status:</b>	REGISTRAR-LOCK
<b>Web Site Status:</b>	Active
<b>DMOZ</b>	no listings
<b>Y! Directory:</b>	<a href="#">see listings</a>
<b>Secure:</b>	No
<b>E-commerce:</b>	No
<b>Traffic Ranking:</b>	Not available
<b>Data as of:</b>	12-Apr-2006

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit [www.internetprivacyadvocate.org](http://www.internetprivacyadvocate.org).

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# Exhibit 15



## WHOIS Search Results



**FREE DOMAIN TRANSFER**  
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### WHOIS Record For

dvdworldpictures.com



[Certified Offer Service](#) - Make an offer on this domain  
[SSL Certificates](#) - Make this site secure  
[Site Confirm Seals](#) - Become a trusted Web Site

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Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

#### Registrant:

The DVD WORLD Company  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)

Domain Name: DVDWORLDPICTURES.COM

Created on: 05-Feb-02

Expires on: 05-Feb-07

Last Updated on: 05-Feb-06

#### Administrative Contact:

Papetti, Eddie [dvdwld@aol.com](mailto:dvdwld@aol.com)  
The DVD WORLD Company  
63 McGaw Ave.  
Lake Grove, New York 11755

### SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

☐ Domain Name

☐ NIC Handle

☐ IP Address

[Search](#)

United States  
631-580-0101 Fax -- 631-471-4893

Technical Contact:  
Papetti, Eddie dvdwld@aol.com  
The DVD WORLD Company  
63 McGaw Ave.  
Lake Grove, New York 11755  
United States  
631-580-0101 Fax -- 631-471-4893

Domain servers in listed order:

NS1.HOSTW3.COM  
NS2.HOSTW3.COM

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[Show underlying registry data for this record](#)

<b>Current Registrar:</b>	GO DADDY SOFTWARE, INC.
<b>IP Address:</b>	<a href="#">72.29.104.195</a> (ARIN & RIPE IP search)
<b>IP Location:</b>	US(UNITED STATES)
<b>Record Type:</b>	Domain Name
<b>Server Type:</b>	IIS 6
<b>Lock Status:</b>	REGISTRAR-LOCK
<b>Web Site Status:</b>	Active
<b>DMOZ</b>	no listings
<b>Y! Directory:</b>	<a href="#">see listings</a>
<b>Secure:</b>	No
<b>E-commerce:</b>	No
<b>Traffic Ranking:</b>	Not available
<b>Data as of:</b>	12-Apr-2006

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# Exhibit 16



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*The Premiere Movie From DVD World Pictures, "The Rape Of America's Youth", Releases October 2007!*

\* DVD World Pictures' first movie will be the motion picture adaptation of the bestselling book "The Rape Of America's Youth: The US College System", which was released in November of last year. The movie will be the first Docu-Horror title, mixing the Documentary & Horror genres together. More information will be released in April about this movie and the other 2 movies currently in Pre-Production at DVD World Pictures. \*

The DVD World Pictures Corp. website will launch in April of 2006 to coincide with the The DVD World Company Press Event which will announce the first 3 movies to be produced and released by DVD World Pictures.

DVD World Pictures will be offering stock in each movie it produces to the public through a proprietary new technology that provides the average American the opportunity to share in the wealth of Hollywood, and give you the never-ending dividends that only the movie industry can.

DVD World Pictures Includes The Following Divisions

**DVD WORLD PICTURES  
DVD WORLD PICTURES STUDIOS  
DVD WORLD HOME VIDEO  
LONG COAT PRODUCTIONS**

All titles released by DVD World Pictures will be distributed theatrically, and on home video, by DVD World Distribution, the distribution arm of The DVD World Company established over 7 years ago. All movies will be shown on no less than 2,500 screens across the country.

More information will come once the Press Event happens, including video from the Press Event.

**The "DVD World" Name and Design Are Either Registered Trademarks or Trademarks of DVD World Pictures Corp., A Division of The DVD World Company. Any use of the DVD World name or design without the permission of The DVD World Company is strictly prohibited.**

# Exhibit 17



## Web

Results 1 - 10 of about **525,000,000** for **dvd world**. (0.11 seconds)

### World Dvd

[www.bestprices.com](http://www.bestprices.com)  
**Dvd**

**New DVD Movies Up To 40% Off! Buy World**

Sponsored Link

Sponsored Links

### Amazon.com: World Series 2005 - Chicago White Sox (2004): DVD

World Series 2005 - Chicago White Sox, Major League Baseball.  
[www.amazon.com/exec/obidos/tg/detail/-/B000AXWX6Q?v=glance](http://www.amazon.com/exec/obidos/tg/detail/-/B000AXWX6Q?v=glance) - 63k -  
**Cached** - [Similar pages](#)

### Amazon.com: World Cup Soccer Highlights 1978-2002 (2004): DVD

World Cup Soccer Highlights 1978-2002, World Cup Soccer Highlights.  
[www.amazon.com/exec/obidos/tg/detail/-/B0002BO04Y?v=glance](http://www.amazon.com/exec/obidos/tg/detail/-/B0002BO04Y?v=glance) - 57k -  
**Cached** - [Similar pages](#)  
[\[ More results from www.amazon.com \]](#)

### Region Codes - DVD's Dirty Secret - How DVD Region Codes Affect ...

The DVD world is divided into eight regions (six major geographical regions and two special use regions). According to some, this is a means of providing ...  
[hometheater.about.com/cs/dvd/disc/a/aaregioncodesa.htm](http://hometheater.about.com/cs/dvd/disc/a/aaregioncodesa.htm) - 33k -  
**Cached** - [Similar pages](#)

### DVD World Ltd

For friendly service and advice regarding your DVD needs, contact us now.  
 Email [dvd@sales@extra.co.nz](mailto:dvd@sales@extra.co.nz). OPEN 7 DAYS. Monday - Friday 10am - 6pm ...  
[www.dvdworld.co.nz/](http://www.dvdworld.co.nz/) - 2k - **Cached** - [Similar pages](#)

### BurnWorld - CD and DVD burning software and Burner info! Blu-Ray ...

CD and DVD Burning info! Blu Ray, HD-DVD burning software. DVD Burn Software, Burning Hardware, Reviews and Ratings.  
[www.burnworld.com/](http://www.burnworld.com/) - 56k - **Cached** - [Similar pages](#)

### Baby Einstein DVD - World Animals

Description of the Baby Einstein DVD - World Animals. First educational DVD series for infants. DVD features nine video field trips with introductions to ...  
[www.babyuniverse.com/prof/baby/17587/DVD-WorldAnimals.html](http://www.babyuniverse.com/prof/baby/17587/DVD-WorldAnimals.html) - 81k -  
**Cached** - [Similar pages](#)

### FlightGear CD's

Includes both the FlightGear program CD for Windows and the 3-DVD World Scenery set in one combination package for a discounted price. ...  
[cdrom.flightgear.org/](http://cdrom.flightgear.org/) - 10k - **Cached** - [Similar pages](#)

### Dvd World

Whatever you're looking for you can get it on eBay.  
[www.eBay.com](http://www.eBay.com)

### Dvd World

Find great deals and save! Compare products, prices & stores.  
[www.Shopping.com](http://www.Shopping.com)

### Dvd World

100,000 Stores. Deals. Reviews. Dvd World & More!  
[Yahoo.com](http://Yahoo.com)

### Dvd World

Find Bargain Prices On Dvd World!  
[BizRate.com](http://BizRate.com)

### Dvd World Clearance

Save up to 65% on Home Audio. Home Theater, Stereos and more.  
[www.SmartBargains.com](http://www.SmartBargains.com)

### How To Copy Any DVD Movie

Copy & Burn Any Protected DVD Movie to a Blank CD. Copies play anywhere  
[www.Dvd-Burning-Pro.com](http://www.Dvd-Burning-Pro.com)

### World Dvd

World dvd Online. Shop Target.com  
[www.Target.com](http://www.Target.com)

# Exhibit 18

**Web**Results 1 - 10 of about 152,000 for **dvdworld**. (0.29 seconds)**DVDWorld > Main Section**

UK-based retailer of region 2 DVDs, CDs, and videos.

[www.dvdworld.co.uk/](http://www.dvdworld.co.uk/) - 58k - [Cached](#) - [Similar pages](#)[10 Hard Porn Films](#) - [Shell And Vanessa Laid Bare](#)[Adult Audience](#) - [Blade 2 \(Two Discs\)](#)[More results from www.dvdworld.co.uk »](#)**DVDWORLD**

Digital Brand Management, Domain Names, Marketing, Branding.

[dvdworld.org/](http://dvdworld.org/) - [Similar pages](#)**DVD WORLD - A maior loja de discos DVD do Brasil** - [ [Translate this page](#) ]

Domingo dia 09/07/2006. Lançamentos · Promoções · DVDs em Pré-Venda · DVD-Music ·

Simulação de Fretes · Trocas, Pagamentos, Contatos, SAC ...

[www.dvdworld.com.br/](http://www.dvdworld.com.br/) - 106k - [Cached](#) - [Similar pages](#)**DVD WORLD - A maior loja de discos DVD do Brasil** - [ [Translate this page](#) ]

Segunda-Feira dia 03/07/2006. Lançamentos · Promoções · DVDs em Pré-Venda · DVD-

Music · Simulação de Fretes · Trocas, Pagamentos, Contatos, SAC ...

[www.dvdworld.com.br/dvdworld.hts](http://www.dvdworld.com.br/dvdworld.hts) - 106k - [Cached](#) - [Similar pages](#)**DVD World Ltd**

RETAILERS OF ZONE 1 (AMERICAN IMPORTS) &amp; LOCAL ZONE 4 DVDS. 193 Dominion Road, Mt Eden, Auckland, NZ 09 623 9211 - Fax 09 623 9212 ...

[www.dvdworld.co.nz/](http://www.dvdworld.co.nz/) - 2k - [Cached](#) - [Similar pages](#)**DVD World**

South Africa's largest DVD selection at the very best prices.

[www.dvdworld.co.za/](http://www.dvdworld.co.za/) - 42k - [Cached](#) - [Similar pages](#)**DVDWorld > Your Search Results**This site and all contents are ©1997-2006 **DVDWorld** Email: [support@dvdworld.co.uk](mailto:support@dvdworld.co.uk)

Telephone: 0870-787-4465. Don't Miss! ...

[www.ultimatediscs.co.uk/search.php?xSearch=\(Essential+Collection\)](http://www.ultimatediscs.co.uk/search.php?xSearch=(Essential+Collection)) - 36k -[Cached](#) - [Similar pages](#)**DVDWORLD - Auktionen für Digitale Videodiscs** - [ [Translate this page](#) ]**DVDWORLD** bleibt KOSTENLOS 03/03/2005 REGISTRIERUNG BESTÄTIGEN 09/12/2004

...auch Musik-CD's ... 09/12/2004 ...auch Video's 09/12/2004 ...

[www.dvdworld.de/](http://www.dvdworld.de/) - 19k - [Cached](#) - [Similar pages](#)**∴ DVDWorld - The EASY way to Rent Movies ∴**[www.dvdworldmalta.com/](http://www.dvdworldmalta.com/) - 1k - [Cached](#) - [Similar pages](#)**HD-DVDWorld.Com: HD-DVD Complete Listing**

This Week's Top Picks: HD-DVD World: Unforgiven (HD-DVD) · HD-DVDWorld.Com: Van

Helsing (HD-DVD) · HD-DVDWorld.Com: The Phantom Of The Opera (HD-DVD) ...

[www.dvdworldonline.com/HD-DVD/CompleteListing.asp](http://www.dvdworldonline.com/HD-DVD/CompleteListing.asp) - 48k - [Cached](#) - [Similar pages](#)



# Exhibit 19

**Web**Results 1 - 10 of about 27,300,000 for **dvd destination**. (0.19 seconds)**DVD Destination: The Premier Online DVD Store. All The Latest ...**

We are the world's third largest online DVD retailer. Every title at least 30% off! The world's largest IN STOCK DVD selection! Come and have a look at our ...

[www.dvdworldonline.com/](#) - 83k - [Cached](#) - [Similar pages](#)

**Amazon.com: Destination Tokyo (1943): DVD**

**Destination Tokyo**, Delmer Daves, Cary Grant, John Garfield, Alan Hale, John Ridgely, Dane Clark, Warner Anderson, William Prince, Robert Hutton, Tom Tully, ...  
[www.amazon.com/exec/obidos/tg/detail/-/B0001WTWWE?v=glance](#) - 64k -

[Cached](#) - [Similar pages](#)

**Amazon.com: Destination Vegas (1994): DVD**

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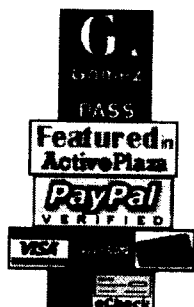
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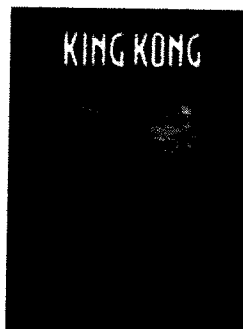
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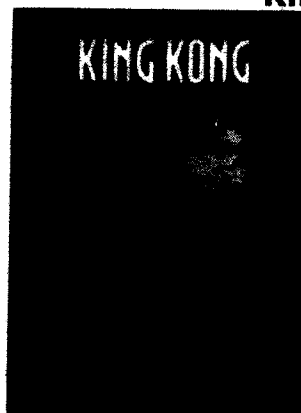
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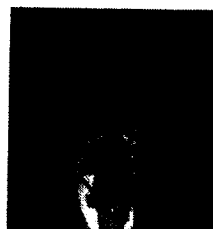
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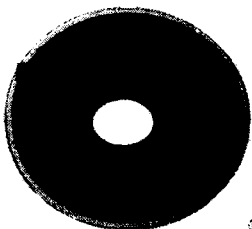
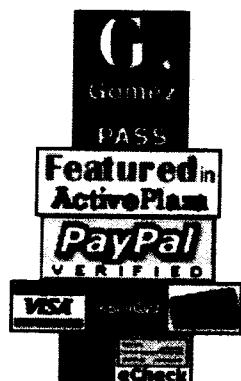
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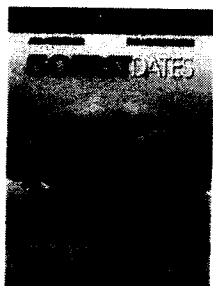
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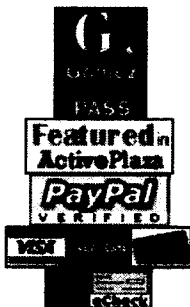
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# Exhibit 21

# NYS Department of State

## Division of Corporations

### Entity Information

---

Selected Entity Name: DVD WORLD PICTURES CORP.

#### Selected Entity Status Information

**Current Entity Name:** DVD WORLD PICTURES CORP.

**Initial DOS Filing Date:** JANUARY 24, 2003

**County:** SUFFOLK

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

DVD WORLD PICTURES CORP.

63 MCGAW AVE.

LAKE GROVE, NEW YORK, 11755

#### Registered Agent

EDDIE PAPETTI

63 MCGAW AVE.

LAKE GROVE, NEW YORK, 11755

NOTE: New York State does not issue organizational identification numbers.

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# Exhibit 22

Attorney Docket: 34248-801

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ANITA DHALIWAL,	:	
Opposer,	:	OPPOSITION NO. 91167207
v.	:	APPLICATION NO. 78/495856
DVD WORLD Pictures Corp.	:	
Applicant.	:	

**APPLICANT DVD WORLD PICTURES CORP.'S RESPONSES TO  
OPPOSER'S FIRST REQUEST FOR ADMISSIONS**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir/Madam:

Applicant, DVD WORLD Pictures Corp. (hereinafter "Applicant"), by its attorneys  
Mintz Levin Cohn Ferris Glovsky and Popeo P.C. hereby submits its responses to  
Opposer's First Request for Admissions:

REQUEST 1. Admit that you do not hold a federal trademark registration for the  
word mark DVD WORLD.

**ANSWER** Applicant admits Request for Admission No. 1.

REQUEST 2. Admit that you have never held a federal trademark registration for  
the word mark DVD WORLD.

**ANSWER** Applicant admits Request for Admission No. 2.

**REQUEST 3.** Admit that you have never used the composite mark DVD WORLD, mark which is depicted in U.S. Registration No. 2,912,970.

**ANSWER** Applicant denies Request for Admission No. 3.

**REQUEST 4.** Admit that you have never used the composite mark DVD WORLD, mark which is depicted in U.S. Registration No. 2,912,970, in interstate commerce for motion picture distribution services in International Class 42.

**ANSWER** Applicant denies Request for Admission No. 4.

**REQUEST 5.** Admit that you have never used the DVD WORLD mark in interstate commerce for motion picture production services in International Class 41.

**ANSWER** Applicant denies Request for Admission No.5.

**REQUEST 6.** Admit that you have never used the DVD WORLD mark in interstate commerce for motion picture distribution services in International Class 41.

**ANSWER** Applicant denies Request for Admission No.6.

**REQUEST 7.** Admit that you have used the marks DVD DESTINATION, DVD WORLD ONLINE, DVD WORLD PICTURES CORP. and/or THE DVD WORLD COMPANY as source identifier(s).

**ANSWER** Applicant objects to this Request for Admission on relevancy to the issues in the subject opposition proceeding.

**REQUEST 8.** Admit that your name is "DVD World Pictures Corp."

**ANSWER** Applicant admits Request to Admission No. 8.

**REQUEST 9.** Admit that all or substantially all of your business under the DVD WORLD mark for online retail distribution of DVD movies in International Class 35 takes place on your web site [www.dvdworldonline.com](http://www.dvdworldonline.com).

**ANSWER** Applicant admits Request to Admission No. 9.